JOURNALS

of the

HOUSE OF BURGESSES

of Virginia

1619--1658/59

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of the

HOUSE *of* BURGESSES

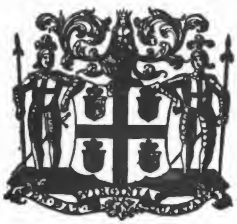
of

VIRGINIA

1619-1658/59

Edited by
H. R. McILWAINE

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Burgeſſes for the Aſſembly of 1619.

[From the Proceedings of the Aſſembly. The Chriſtian names have been ſupplied in ſeveral caſes from *Alexander Brown's* The Firſt Republic in *America*, p. 314.]

Argall's Gift:	Thomas Pawlett	Lawne's Plantation:	Chriſtopher Lawne
	Edward Gourgaing		Enſign Waſher
Charles City:	Samuel Sharpe	Martin's Brandon:[1]	Thomas Davis
	Samuel Jordan		Robert Stacy
Flowerdieu Hundred:	Edmund Roſſingham	Martin's Hundred:	John Boys
	John Jefferſon		John Jackſon
Henricus:	Thomas Dowſe	Captain Warde's Plantation:	John Warde
	John Polentine [probably Pollington]		John Gibbes
James City:	William Powell	Smythes Hundred:	Thomas Graves
	William Spenſe (Spence)		Walter Shelley
Kiccowtan:	William Tucker		
	William Capp		

[1] The repreſentatives from this plantation were not allowed to ſerve.

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Burgeſſes for the Aſſembly of 1623/24.

[From *Alexander Brown's* The Firſt Republic in *America*, pp. 579, 580.]

From the Incorporation of Charles City.
- Neck of Land: Luke Boys, Thomas Harris
- Weſt & Sherlow Hundred: Iſaac Madiſon, Richard Biggs
- Jordan's Journey: Nathaniel Cauſey
- Chaplain's Choice: Iſaac Chaplain
- Weſtover: Samuel Sharpe

From the Eaſtern Shore: John Wilcocks, Henry Watkins

From the Incorporation of Elizabeth City.
- Elizabeth City: William Tucker, Nicholas Martian (Martieu, Marlier, etc.)
- Elizabeth City beyond Hampton River: Jabez Whitaker, Ralegh (Rawley) Craſhaw

From the Incorporation of Henrico.
- College Plantation: Thomas Moriett, Gabriel Holland

From the Incorporation of James City.
- Jameſtown: Wm. Pierce, Clement Dilke, Richard Stephens, Edw. Blayney (or Blaine), John Southerne
- James Iſland: Robert Adams
- The Neck of Land: Richard Kingſmill
- "Ye Plantations over againſt James Citty:" Samuel Matthews, Edward Grindon
- Hog Iſland: John Utie, John Chew
- Warraskoyack: John Pollington
- Baſſe's Choice: Nathaniel Baſſe (or Baſſet)

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Members of the Convention

of 1625.

[From the *Virginia* Magazine of Hiſtory and Biography, XV, pp. 362, 363. The firſt nine names are thoſe of the governor and members of the Council. The liſt is the ſame, with a few variations in ſpelling, as that given on p. 44 of the preſent volume.]

Sir Francis Wyatt, governor

Sir Fras. Weſt
Samuel Mathewes
Roger Smyth
William Claybourne
George Sandys
Abrah Peirſey
Ralphe Hamor
Wm. Tucker

Nathaniel Baſſe
Thomas Oſborne
Iſſac Chaplyn
Richard Bigges
John Downeman
Edward Blayney
F. Barkeley
Luke Boys
William Pierce
Will Horwood
Ellis Emerſon
Edw: Waters
John Price
Henry Woodard
John Crewe
Hugh Crowder
Francis Epes
Richard Kingeſmyll
Nathaniel Cauſſey
Fra: Chamberlaine
Richard Tailer
Gilbert Peppet
Clem't Dilke

Burgeſſes for the Aſſembly

of 1627/28.

[See p. 51 of this volume.]

Nathaniel Baſſe
Edward Bennett
Thomas Burgis
John Burland
John Chewe
Edward Crinden
William Engliſhe
Francis Epes
Thomas ffareley
John Harris
Thomas Harwood
William Harwood
John Jackſon
Thomas Jorden
Michell Marſhart
Thomas Oſborne
Thomas Pawlett
William Perry
William Popleton
Walter Price
Humphrey Raſhell
John Smyth
Maximillian Stone
Robert Sweete
Richard Taylor
John Uty
Edw. Waters
John Weſt
Thomas Weſton
Thomas Willoby
Percivall Wood

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Burgeſſes for the Aſſembly of 1629.

[From *Stanard's* Colonial *Virginia* Regiſter, pp. 54, 55.]

The Plantation at the College: Thomas Oſborne
Matthew Edlowe
The Neck of Land: Samuel Sharp
Shirley Hundred Iſland: Cheney Boyſe
John Browne
Shirley Hundred Main: Thomas Palmer
John Harris
Mr Henry Throckmorton's Plantation: William Allen
Jordan's Journey: William Popkton [Poppleton]
Chaplaine's Choice: Walter Price
Weſtover: Chriſtopher Woodward
Flowerdieu Hundred: Anthony Pagett
James City: George Menefie
Richard Kingſmell
Pace's Paines: William Perry
John Smyth
The Other Side of the Water: John Weſt
[Robert] Fellgate
Paſbehay: Thomas Bagwell
The Neck of Land: Richard Brewſter
Archer's Hope: Theodore Moyſe
Thomas Doe
The Plantations between Archer's Hope and Martin's Hundred: John Utie
Richard Townſend
Hogg Iſland: John Chew
Richard Tree
Martin's Hundred: Thomas Kingſton
Thomas Fawcett
Mulberry Iſland: Thomas Harwood
Phettiplace Clauſe
Warwick River: Chriſtopher Stokes
Thomas Ceely
Thomas Flint
Zachary Cripps
Warroſquoyacke: Nathaniell Baſſe
Richard Bennett
Robert Savin
Thomas Jordan
Nuttmegg Quarter: William Cole
William Bentley
Elizabeth City: George Thompſon
William Engliſh
Adam Thoroughgood
Lionel Rowlſton
John Browning
John Downman
Eaſtern Shore: No burgeſſes appeared.

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Burgeſſes for the Aſſembly

of 1629/30.

[From *Stanard's* Colonial *Virginia* Regiſter, pp. 55, 56.]

The Plantations of the College and Neck of Land: Thomas Oſborne
Thomas Farmer
Shirley Hundred Main: Thomas Palmer
John Harris
Shirley Hundred Iſland: Cheney Boyſe
Walter Aſton
Jordan's Journey and Chaplaine's Choice: Walter Price
Flowerdieu Hundred: John Flood
Weſtover: None appeared.
Weyanoke: John Trahorne
Pace's Paines and Smythe's Mount: William Perry
Paſbehay: Bridges Freeman
James City Iſland: John Southerne
Robert Barrington
The Other Side of the Water: John Weſt
Robert Felgate
Hogg Iſland: John Utie
The Neck of Land in the Corporation of James City: Richard Brewſter
Archer's Hope and Glebe Land: Theodore Moyſes
Henry Coney
Harrap, and the Plantations between Archer's Hope and Martin's Hundred:
John Browning
Thomas Farley
Martin's Hundred: Robert Scotchmore
Thomas Foſſett
Mulberry Iſland: Thomas Harwood
Anthony Barham
Warwick River: Thomas Flint
John Brewer
Denby: Thomas Ceely
Chriſtopher Stokes
Thomas Key
Nutmeg Quarter: Joſeph Stratton
Warroſqueake: John Upton
John Atkins
Robert Savin
Thomas Burges
The Upper Part of Elizabeth City: Thomas Willoughby
William Kempe
Thomas Hayrick
The Lower Part of Elizabeth City: Thomas Puriſoy
Adam Thoroughgood
Lancelot Barnes
Accomac: Thomas Graves
Edmund Scarborough
Obedience Robins
Henry Bagwell

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Burgeſſes for the Aſſembly of 1631/2.

[From *Stanard's* Colonial *Virginia* Regiſter, pp. 56, 57.]

Arrowhattocks, Neck of Land, and Curles: Captain Thomas Oſborne
Both Shirley Hundreds, Mr Farrar's and Chaplains: Francis Epes
Walter Aſton
Weſtover, Flowerdieu Hundred, and Weyanoke: John Flood
Captain Perry's downwards to Hogg Iſland: Captain William Perry
Richard Richards
James City: John Southerne
Thomas Crampe [Crump]
Archer's Hope: Thomas Farley
Percival Wood
Kethe's Creek to Mulberry Iſland and Saxon's Goal: Thomas Harwood
Thomas Flint
Warwick River: Thomas Seely
Thomas Ramſhawe
Water's Creek and the Upper Pariſh of Elizabeth City: Thomas Willoughby
The Lower Pariſh of Elizabeth City: George Downes
Warroſqueake: Thomas Jordan
Accomac: Edmund Scarborough
John Howe
Kiskyacke and the Iſle of Kent: Nicholas Martian

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Burgeſſes for the Aſſembly of 1632.

[From *Stanard's* Colonial *Virginia* Regiſter, pp. 57, 58.]

Arrowhattocks, Neck of Land, and Curles: Thomas Oſborne
Shirley Hundred Main and Cawſey's Care: Walter Aſton
Shirley Hundred Iſland: Cheney Boyſe
Weſtover and Flowerdieu Hundred: John Flood
Weyanoke: Richard Coxe
Chickahominy: Bridges Freeman
Smythe's Mount and Perry's Point: John Smythe
James City Iſland: John Jackſon
Paſbehay: John Corker
The Neck of Land: Thomas Crump
Glebe Land and Archer's Hope: Roger Webſter
Henry Coney
Over the Water againſt James City: Richard Richards
Hogg Iſland: Richard Tree
Mounts Bay: John Browning
John Wareham
Martin's Hundred: Robert Scotchmore
Percival Wood
Mulberry Iſland: Thomas Harwood
Thomas Bennett
Stanley Hundred: Thomas Barnett
Thomas Flint
Denbigh and to Waters Creek: Pettiplace Clauſe
Warroſqueake: Thomas Jordan
William Hutchiſon
From Waters Creek to Marie's Mount: Joſeph Stratton
John Powell
The Upper Pariſh of Elizabeth City: Thomas Willoughby
Henry Seawell
John Sipſey
The Lower Pariſh of Elizabeth City: Adam Thoroughgood
William Engliſh
George Downes
Kiskyacke: Nicholas Martian
Yorke: Lyonel Rowlſton
Accomac: Thomas Graves
John Howe
Henry Bagwell
Charles Harmer

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Burgeſſes for the Aſſembly

of 1632/3-1633.

[From *Stanard's* Colonial *Virginia* Regiſter, pp. 58, 59.]

Arrowhattocks, Henrico Neck of Land, and Curles: Thomas Oſborne
Shirley Hundred Main and Cawſey's Care: Walter Aſton
Shirley Hundred Iſland: Rice Hooe
Weſtover and Flowerdieu Hundred: Thomas Pawlett
Weyanoke: William Emerſon
James City, Chickahominy, and Paſbehay: John Corker
Neck of Land: Thomas Crump
Archer's Hope and Glebe Land: Henry Coney
Smythe's Mount, the Other Side of the Water and Hogg Iſland: Thomas Grindon
Harrop and to Martin's Hundred: Richard Brewſter
John Wareham
Martin's Hundred: David Mansfield
Robert Scotchmore
Mulberry Iſland: Thomas Harwood
William Spencer
Stanley Hundred: Zachary Cripps
Roger Dilke
Denbigh: Thomas Flint
Thomas Hawkins
Worroſqueake: John Upton
Robert Savin
Nutmeg Quarter: Francis Hough
The Upper Parts of Elizabeth City: Thomas Sheppard
John Sipſey
The Lower Parts of Elizabeth City: William Engliſh
John Arundel
Accomac: Edmund Scarborough
John Howe
Roger Saunders
John Wilkinſon
Kiskyacke: Nicholas Martian
Yorke: Lyonel Rowlſton

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Burgeſſes for the Aſſembly of 1639/40.

[From *Stanard's* Colonial *Virginia* Regiſter, pp. 60, 61.]

Henrico: Thomas Harris
Chriſtopher Branch
Edward Tonſhall [Tunſtall]
Charles City: Francis Eppes
Thomas Pawlett
Edward Hill
Joſeph Johnſon
James City:
Chickahominy Pariſh or the Upper Chippokes and Smiths Fork:
Lower Chippokes, Hogg Iſland, Lawn Creek:
Martin's Hundred to Kethe's Creek: Thomas [Kingſton, or Fawcett]
Farloes' Neck to Waroues' Ponds: Richard [Richards][1]
Johnſon's Neck, Archer's Hope, and the Neck of Land: David [Mansfield, or Manſell]
Warwick River: Thomas [Flint]
Thomas [Harwood]
Thomas [Ceely]
Zachary Crip.
Charles River: William ————
Hugh Gwyn
Peregrine Bland
Upper Norfolk: Randall Crew
John Gookin
Triſtam Norſworthy
Lower Norfolk: John Sibſey
John Hill
Iſle of Wight: John Upton
Anthony Jones
John Moone
James Tuke
Elizabeth City: Thomas Oldis
M^r^ Strafferton
Accomac: Obedience Robins
John Neale

[1] Inferted by the editor of this volume.

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Burgeſſes for the Aſſembly

of 1641/42-42.

[From *Stanard's* Colonial *Virginia* Regiſter, p. 61.]

James City:	Robert Hutchinſon	Warwick River:	Thomas Barnett
	Francis Fowler		William Whittbey
	John White	Iſle of Wight:	John Upton
	Thomas Hill		Joſeph Salmon
	Richard Richards		George Harddie
	Ferdinand Franklin	Upper Norfolk:	Daniel Coogan
	Jeremie Clement		[Gookin]
	Thomas Follis		John Carter
	William Butler	Lower Norfolk:	John Shipſie [Sibſie]
Henrico:	John Baugh		John Hill
	Francis Fulford	Elizabeth City:	John Branch
Charles City:	Walter Aſton		Flo. Payne
	Joſeph Johnſon	Accomac:	John Wilkins
	Walter Chiles		John Neale
Charles River:	Richard Townſend		
	George Ludlowe		
	George Worleigh		

The names given above are thoſe of the members of the Aſſembly preſent at the January 1641/42 ſeſſion. At the April 1642 ſeſſion only twenty-one members were preſent—at leaſt, only twenty-one ſigned the "Declaration againſt the Company to be Entered as the 21ſt Act"—and ten of theſe were not preſent in January. The names follow:

Obedience Robins	Nathaniel Gough
Benjamin Harriſon	Mathew Chiles
Thomas Dewe	William Dacker
Edward Hill	Thomas Bernard
Thomas Harwood	Edward Windham

Note.—For the names of thoſe ſigning the Declaration, ſee p. 69. "Fallowes" is taken to be another ſpelling of "Follis." "Weale" is taken to be an error for "Neale." See, further, the Preface to this volume.

Burgeſſes for the Aſſembly

of 1642/43.

[From *Stanard's* Colonial *Virginia* Regiſter, pp. 62, 63.]

Henrico:	Matthew Gough	Elizabeth City:	John Branch
	Arthur Bayly		John Hoddin
	Daniel Luellin	The Iſle of	Anthony Jones
Charles City:	Walter Aſton	Wight:	Richard Death
	Thomas Stegg	Upper Norfolk:	John Carter
	Walter Chiles		Randall Crew
James City:	Robert Hutchinſon	Lower Norfolk:	Cornelius Lloyd
	Rowland Sadler		Edward Windham
	Henry Filmer	York:	John Chew
	John Fludd		John Cheſman
	Stephen Webb		William Tayler
	William Davis	Northampton:	Phillip Tayler
Warwick River:	Thomas Flint		Edmond Scarbrough
	Toby Smith		

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Burgeſſes for the Aſſembly of 1643/44.

[From the *Virginia* Magazine of Hiſtory and Biography, XXIII, pp. 228, 229.]

James City County:	Robert Hutchinſon	Henrico County:	John Zouch
	Richard Brewſter		Math Gough
	Stephen Webb		Daniel Luellin
	Edward Travers	Charles City County:	Edw. Hill
	Thomas Loven		ffr. Poyethres
	Thomas Warren		John Biſhop
	John Shepard		John Weſtropp
	John Jorden	Elizabeth City County:	Willm. Woolridg
Yorke County:	John Chewe		John Holden
	Rowland Burnham	North'ton:	Wm. Roper
	Xpofer Calthropp		Edw. Douglas
Warwick County:	William Whitby	Upp. Norff.:	Randall Crew
	John Walker		Toby Smith
Iſle of Wight County:	Peter Hull	Lower Norff.:	Cornelius Loyd
	George Hardy		John Sidney
	Richard Death		

Burgeſſes for the Aſſembly of *October* 1644.

[From *Stanard's* Colonial *Virginia* Regiſter, pp. 63, 64.]

James City:	Robert Hutchinſon	Warwick:	Thomas Bernard
	Stephen Webb		John Walker
	Edward Travis		Hen. Heyrick
	Thomas Loveing	Northampton:	Obedience Robins
	George Jordan		Edward Douglas
	John Shepherd	Upper Norfolk:	Randall Crew
	Thomas Warren		Moore Fauntleroy
York:	John Chew	Charles City:	Edward Hill, Speaker
	Rowland Burnham		Francis Poythers [Poythreſs]
	X'pher Caultropp		John Biſhop
Iſle of Wight:	Peter Hull		John Weſtropp
	George Hardy	Henrico:	Dan. Llewellin
	Richard Death		Richard Cocke
Lower Norfolk:	Cornelius Lloyd		Abra. Wood
	John Sidney		William Hatcher
Elizabeth City:	William Worbrigh [Wooldridge]		
	John Hodin		

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Burgeſſes for the Aſſembly

of 1644/45.

[From *Stanard's* Colonial *Virginia* Regiſter, p. 64.]

James City:	Ambroſe Harmer	Iſle of Wight:	Arthur Smith
	Robert Hutchinſon		George Hardy
	William Barrett	Upper Norfolk:	Phillip Bennett
	John Corker		Moore Fauntleroy
	Peter Ridley	Elizabeth City:	Leonard Yeo
	George Stephens		X'pher Caulthropp
	John Rogers		Arthur Price
Henrico:	John Baugh	Northampton:	Edmon. Scarbrough
	Abraham Wood		Stephen Charlton
Charles City:	Edward Hill, Speaker	Lower Norfolk:	Edward Lloyd
	Rice Hooe		Thomas Meares
	Francis Poythres		X'pher Burroughs
	Edward Prince		
Warwick River:	Thomas Harwood		
	Thomas Bernard		
	Hen. Heyricke		

Burgeſſes for the Aſſembly

of 1645/46.

[From *Stanard's* Colonial *Virginia* Regiſter, pp. 64, 65.]

James City:	John Flood	Warwick:	Thomas Bernard
	Walter Chiles		John Walker
	Thomas Swan		Randall Crew
	Robert Weatherall	Northampton:	Ed. Scarbrough, Speaker
	Ambroſe Harmer		Thos. Johnſon
	Thomas Warne	Upper Norfolk:	Phillip Bennett
	Peter Ridley		Edward Major
	George Stephens		Richard Wells
York:	X'pher Colthrop	Charles City:	Francis Eps
	Rowland Burnham		Edward Hill
	Arthur Price		Edward Prince
Iſle of Wight:	John Upton		Rice Hooe
	George Hardin [Hardy]		William Barker
	John Seward		Charles Sparrow
Lower Norfolk:	Cornelius Lloyd		Anthony Wyatt
	X'pher Burrowes	Henrico:	Abra. Wood
Elizabeth City:	Leonard Yeo		William Hatcher
	John Chandler	Northumber-land:	John Matrum

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Burgeſſes for the Aſſembly

of *October*, 1646.

[From *Stanard's* Colonial *Virginia* Regiſter, pp. 54, 55.]

James City:	Ambroſe Harmer	Yorke:	Hugh Gwin
	Walter Chiles		William Luddington
	Robert Shepheard	Warwick:	Thomas Taylor
	George Jordayne		Randall Crew
	Thomas Lovinge		John Walker
	William Barrett	Lower Norfolk:	Edw. Lloyd
Henrico:	Abra. Wood		Thomas Meares
	William Cocke		Robert Eyres
Charles City:	Rice Hooe	Northampton:	Edward Douglas
	Dan Lluellen		Thomas Johnſon
Iſle of Wight:	George Fawdowne	Nanſemond:	Edward Major
	Ja. Bagnall		Sam Stoughton
Elizabeth City:	John Robbins		
	Hen. Ball		

Burgeſſes for the Aſſembly

of 1647/48.

[From *Stanard's* Colonial *Virginia* Regiſter, pp. 66, 67.]

James City:	Robert Hutchinſon	Warwick:	Thomas Flint
	Bridges Freeman		Randle Crew
	Robert Shepheard	Iſle of Wight:	John Upton
	George Jorden		John George
	William Davis	Lower Norfolk:[1]	John Sidney
	Peter Ridley		Hen. Woodhouſe
Charles City:	Edward Hill		Cor. Lloyd
	Francis Poythers		Thomas Meeres
Elizabeth City:	Anth. Elliot	Northampton:	Ed. Scarbrough
	John Chandler		Stephen Charleton
	Hen. Poole	Northumber-	
York:	Richard Lee	land:	William Preſley
	William Tayler	Henrico:	Thomas Harris
	Fra. Morgan		
Upper Norfolk:	Moore Fauntleroy		
	Sam Stoughton		
	Richard Wells		

[1] At the ſecond ſeſſion of this Aſſembly, held in October, 1648, the repreſentatives of Lower Norfolk County were Robert Eyre, or Eyres, and Thomas Lambert. See Stanard's Colonial Virginia Regiſter, p. 67.

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Burgeſſes for the Aſſembly

of 1649.

[From *Stanard's* Colonial *Virginia* Regiſter, pp. 67, 68.]

James City:	Walter Chiles	Nanſemond:	Jo. Carter
	Thomas Swan		Toby Smith
	William Barret	Elizabeth City:	William Worlich
	George Read		[Wooldridge]
	William Whittaker		Jo. Robbins
	John Dunſton	Lower Norfolk:	Bartho. Hoskins
Henrico:	William Hatcher		Thomas Lambert
Charles City:	Edward Hill		John Chandler
	Charles Sparrow	Yorke:	Ralph Wormeley
Warwick:	Thomas Harwood,		Rowland Burnham
	Speaker	Northumber-	
	John Walker	land:	Francis Poythers
Iſle of Wight:	George Hardy		John Truſſell
	Robert Pitt		

Burgeſſes for the Aſſembly

of 1651-1651/52.

[From *Stanard's* Colonial *Virginia* Regiſter, p. 68.]

Northumberland:	John Truſſell	Lancaſter:	Moore Fauntleroy
	Thomas Baldridge		Raleigh Travers
	[William] Preſley	Lower Norfolk:	Cornelius Lloyd
	[Richard] Lee[1]		Thomas Lambert
	M[r] Speke		John Martin
	Thomas Wilford		Bartholomew Hoskins

[1] This is more probably Dr. Hy. Lee. See Encyclopedia of Virginia Biography, I, p. 276. The above is, of courſe, only a very incomplete liſt.

Burgeſſes for the Aſſembly

of *April-May*, 1652.

[From *Stanard's* Colonial *Virginia* Regiſter, pp. 68, 69.]

Henrico:	William Hatcher	Elizabeth City:	Peter Ranſom
Charles City:	Edward Hill		John Sheppard
	John Biſhop	Warwick River:	Sam. Mathews
James City:	Robert Wetherall		William Whittbye
	John Fludd	York:	Fra. Morgan
	Hen. Soane		Hen. Lee
	Da. Manſill		Auſtin Warner
	George Stephens	Northampton:	Obedience Robins
	William Whittakere		Edm. Scarbrough
Iſle of Wight:	Robert Pitt		Thomas Johnſon
	George Hardie		Wm. Jones
	John George		Antho. Hoskins
	John Moone	Northumberland:	Jno. Mottram
Nanſemond:	Thomas Due		Geo. Fletcher
	Ed. Major, Speaker	Glouceſter:	Hugh Gwinne
Lower Norfolk:	Cor. Lloyd		Fra. Willis.
	Thomas Lambert		
	Henry Woodhouſe		
	Charles [Chris?] Burrowes		

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Burgeſſes for the Aſſembly

of *November*, 1652.

[From *Stanard's* Colonial *Virginia* Regiſter, pp. 69, 70.]

Henrico:	William Harris	Nanſemond:	Thomas Dew, Speaker
Charles City:	Hen. Perry		Peter Montague
	Dan. Llewellin	Lower Norfolk:	Cor. Lloyd
	Abraham Woode		Thomas Lambert
	Captain Woodliffe		Charles Burrowes
	Charles Sparrow	Elizabeth City:	Peter Ranſome
James City:	Robert Wetherall		Theo. Hone
	William Whittaker	York:	Stephen Gill
	Abraham Watſon		William Gouge
	Hen. Soane		X'pher Calthrope
Surry:	William Thomas	Glouceſter:	Hugh Gwinne
	William Edwards		Fra. Willis
	George Stephens	Northampton:	Colonel Robbins
Iſle of Wight:	Charles Reynolds		Stephen Charlton
	Samuel Mathews	Lancaſter:	Hen. Fleet
	Wm. Whittley		William Underwood

Burgeſſes for the Aſſembly

of 1653.

[From *Stanard's* Colonial *Virginia* Regiſter, pp. 70, 71.]

James City:	Walter Chiles	Iſle of Wight:	Robert Pitt
	William Whittaker		George Fowden
	Hen. Soane		Daniel Boucher
	Abra. Watſon	Northampton:	Thomas Johnſon
Surry:	William Butler		William Mellin
	William Edwards		Stephen Horſey
Warwick:	Sam. Mathews	Lancaſter:	Moore Fauntleroy
	William Whittby, Speaker		Thomas Hackett
		York:	X'pher Calthropp
Charles City:	John Biſhopp		Robert Booth
	Anthony Wyatt		William Hockaday
Nanſemond:	Thomas Dew		Fra. Morgan
	Edw'd Major	Northumberland:	George Fletcher
	Peter Montague		Walter Broadhurſt
Lower Norfolk:	Francis Yardly	Henrico:	William Harris
	Cornelius Lloyd	Elizabeth City:	John Sheppard
Glouceſter:	Abraham Iverſonn		Thomas Thornbury
	Richard Pate		

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Burgeſſes for the Aſſembly

of 1654-1655.

[From *Stanard's* Colonial *Virginia* Regiſter, pp. 71, 72.]

Charles City:	Edward Hill, Speaker	Lancaſter:	John Carter
	Henry Perry		James Bagnall
	Abraham Wood	Northampton:	Peter Walker
	Stephen Hamlin		Wm. Waters
Elizabeth City:	William Worlich		Tho. Johnſon
	John Sheppard	Nanſemond:	Tho. Dew
Glouceſter:	Thomas Breman		Sam. Stoughton
	Wingfield Webb		Tho. Godwin
Henrico:	Richard Cock	Northumberland:	John Truſſell
James City:	Thomas Dipnall	Surry:	Wm. Batt
	Abraham Watſon		James Maſon
	William Whitaker	Warwick:	Sam. Matthewes
	Henry Soane		William Whitbye
Iſle of Wight:	Robert Pitt	New Kent:	Robt. Abrell
	John Moone	York:	Wm. Gooch
	Fra. Hobbs		Robert Booth
	John Bond		John Hayward
Lower Norfolk:	Barthol. Hoskins	Weſtmoreland:	John Holland
	Lemuell Maſon		Alex. Baynham

Burgeſſes for the Aſſembly

of 1655/56-1656.

[From *Stanard's* Colonial *Virginia* Regiſter, pp. 72, 73.]

Lancaſter:	Moore Fauntleroy	Charles City:	Anthony Wyatt
	Henry Chicheley		Abraham Wood
Northampton:	[Edmond] Scarborough		Daniel Lluellin
Lower Norfolk:	John Sidney	York:	George Reade
	Lemuel Maſon		John Page
	Bartholomew Hoskins		Joſeph Croſhaw
	Thos. Lambert		Ralph Langley
	Richard Foſter		Francis Willis
James City:	[William] Whittaker		Nathaniel Bacon
	Theophilus Hone		Armiger Wade
	John Flood	Warwick:	Thomas Davis
	Robert Holt	Northumberland:	John Truſſell
	Robert Ellyſon	Glouceſter:	Thos. Ramſey
Iſle of Wight:	John Bond	Nanſemond:	Edward Streeter
	Nicholas Smith		John Wilcox
	Job. Beazley		Captain Blake
Henrico:	Thomas Lyggon	Elizabeth City:	Peter Aſhton
	William Harris		

"M[r] Holmewood,"[1] George Lobb, William Thomas,[2] "M[r] Wright," and Lt. Colonel John Walker can not, with certainty, be aſſigned to counties.

[1] This is probably John Holmewood, of Charles City County. See Encyclopedia of Virginia Biography, I, p. 259.

[2] Thomas repreſented Surry County. See Encyclopedia of Virginia Biography, I, p. 339, and the liſt of members of the November 1652 ſeſſion.

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Burgeſſes for the Aſſembly of 1657/8-1658.

[From *Stanard's* Colonial *Virginia* Regiſter, pp. 73, 74.]

Henrico:	William Harris	Upper Norfolk:	Edw'd Carter
James City:	Hen. Soane		Thomas Francis
	Richard Webſter		Giles Webb
	Thomas Loveinge	Lower Norfolk:	John Sidney
	William Corker		Lemuell Maſon
Surry:	Thos. Swann	Elizabeth City:	William [Wooldridge]
	William Edwards		John Powell
	Wm. Butler	Warwick:	John Smith, Speaker
	Wm. Cawfield		Thomas Davis
New Kent:	William Blacky	York:	Jeremy Ham
Glouceſter:	Anth. Elliott		James Goodwin
	Thomas Ramſey		Robert Borne
Rappahannock:	Thomas Lucas		William Hay
Lancaſter:	John Carter	Northumberland:	Peter Knight
	Peter Montague		John Haney
Iſle of Wight:	John Bond	Northampton:	William Kendall
	Thomas Tabenor		William Mellings
	John Brewer		William Michell
	Joſeph Bridger		Randall Revell
Charles City:	War'm Horſmenden		John Willcox
	Robert Wynne		

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Burgeſſes for the Aſſembly of 1658/59.

[From *Stanard's* Colonial *Virginia* Regiſter, pp. 74, 75.]

Henrico:	William Hatcher	Warwick:	John Harlowe
Charles City:	The Speaker	Elizabeth City:	William Batte
	War'm Horſemenden		Florentine Paine
James City:	Walter Chiles	York:	Nathaniel Bacon
	William Whittacre		Joſeph Crowſhaw
	Thomas Foulke		Thomas Buſhrod
	Mathew Edloe		William Hay
Surry:	George Jordan	New Kent:	William Blacke
	Thomas Warren	Lancaſter:	John Carter
	William Cawfield		Hen. Corbin
Iſle of Wight:	Robert Pitt	Rappahannock:	Moore Fauntleroy
	John Bond		John Weye
	William Engliſh	Glouceſter:	Francis Willis
	James Pyland		Auguſtine Warner
Upper Norfolk:	Edward Carter	Northumberland:	George Collclough
	Thomas Goodwyn	Northampton:	John Stringer
	Giles Webb		William Jones
Lower Norfolk:	John Sidney		
	Lemuell Maſon		

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Introductory Note.

THE title "Journals of the Houſe of Burgeſſes" has been retained for the preſent volume, which is the 13th and laſt of the ſeries of Journals in the publication of which the *Virginia* State Library has been engaged ſince the year 1904, though, ſo far as the contents of this book are concerned, it is not entirely accurate. The material found in this volume is not made up altogether, or even in the main, of entire Journals of the Houſe of Burgeſſes or of excerpts from theſe Journals, but of a few ſuch excerpts, it is true, and of ſuch papers of the Houſe and of the General or Grand Aſſembly as a whole as are extant and have been found by the editor of the volume. Theſe papers include petitions, letters, and ſtatements ſent by the Houſe or by the Aſſembly to the authorities in *England*, and communications made to the Aſſembly, as well as ſuch portions of the Journals as have been preſerved, the latter being, unfortunately, diſtreſſingly meagre, though, even at that, of the very higheſt importance hiſtorically. It was thought by the editor that the "papers" of the Houſe and of the Aſſembly ſhould, in the abſence of the Journals, be printed, becauſe they are cloſely aſſociated with the Journals, which have been loſt, and with the laws, the majority of which for this period have been printed in *Hening*'s "Statutes at Large," though, unfortunately, many of theſe, too, have been loſt. It was thought that all the material which would be of help in the reconſtruction of the activities of the Houſe and of the Aſſembly for the earlieſt period ſhould be preſented in one place. The material in this volume is ſimilar to that in the firſt 118 pages of the preceding volume, and not ſimilar, except in places, to the material making up the bulk of that volume, namely, the complete Journals from 1680 through 1693, printed from contemporary copies of theſe Journals ſent to *England* at the cloſe of each ſeſſion and there, with one or two exceptions, preſerved. The book contains, alſo, the orders of the Aſſembly for the period covered. Theſe orders are of the nature of laws rather than of journal material, being the actual judgments of the Aſſembly in regard to a multitude of local and private matters, in reference to which it was not deemed ſuitable to enact a law. They, however, frequently contain much of what in later times would appear in the Journals, and not by any means all of them have been printed by *Hening*.[1]

It was thought beſt, however, to retain for this volume the title given to the ſeries, rather than attempt to give it a title more truly deſcriptive of its contents, becauſe, firſt, it actually does contain all the journal entries that have come down from thoſe early days, and, ſecondly, it is only one volume of a ſeries, and any change in the title would probably lead to confuſion in the uſe of the volumes and in references to be made to them.

In collecting the material which will be found in the body of this book, a few papers have been obtained which are of ſuch value as ſupplementing and illuſtrating that

[1] For fuller deſcription of theſe orders, both as to their nature and hiſtory, ſee the Preface to the preceding volume, pp. XVII and XXXI.

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material as to call for publication in an Appendix.[2] This material, none of it having been printed before, ſo far as is known to the editor of this volume, except one ſmall item, will be found more particularly deſcribed in the Preface.

The Preface to the preſent volume is unlike the prefaces to former volumes in the ſeries, in that it confines itſelf almoſt altogether to a treatment of the ſources of the text and of the dates of the ſeſſions, and pays only the moſt general attention to the contents of the text, whereas in former volumes a ſetting forth in a connected way of ſome of the more important tranſactions of the Houſe was the main object of the prefaces. So far as the preſent volume is concerned, ſuch a preface could not be written except for thoſe few aſſemblies for which the excerpts from the original Journals are of ſome length, and in theſe caſes the excerpts tell the ſtory clearly enough to make a retelling of it ſuperfluous. As for the papers of the various aſſemblies, it has been felt by the editor that an attempt to give in this Preface an adequate diſcuſſion of their contents would, if it were to be carried to a ſucceſsful concluſion, reſult in the writing of a hiſtory of the period covered, which would ſcarcely be adviſable in a preface. If adviſable, it would not be poſſible to add much to what has already been done along this line.[3]

This volume contains, alſo, a general index to the ſeries, made up of the indexes of the reſpective volumes, thrown together after having been ſomewhat reviſed. The ſeries has been printed in an inverted chronological order, and no volume number has been put on any volume, but in place of this the incluſive dates of the material to be found therein. Conſequently, in the general index the references to the volumes are made by means of theſe incluſive dates, they being printed in heavy type.

When the volumes of the ſeries are collected on a ſhelf, it is ſuggeſted that they be put in their chronological order, rather than in the order in which they have been publiſhed. This will throw the index volume firſt, but will remedy the impreſſion bound to be made by the other arrangement of moving in an unnatural way backwards. It is believed that this arrangement will reduce to a minimum the awkwardneſs reſulting from the method of publiſhing, a method choſen becauſe it was known at the ſtart what Journals of the later period could be found for publication, but not known what Journals of the earlier period were in exiſtence, and it was deemed deſirable to begin the work at once. It may be added that this method has increaſed to no ſmall extent the labor of the editors,[4] and has cauſed the commiſſion of a few miſtakes in ſtatement which otherwiſe might not have been made.

Much of the material appearing in this book has been printed before, and wherever a paper has appeared in a publication having a good reputation for accuracy, ſuch, for inſtance, as *Hening*'s "Statutes at Large" or the "*Virginia* Magazine of Hiſtory and Biography," the editor has not thought it neceſſary to go beyond theſe to their ſources in ſecuring his text, but has entered cheerfully into the labors of others. He has, however, very frequently gone to the originals themſelves, as a reading of the Preface will indicate.

In the text "copy" has been followed very cloſely, and in order to do this in the caſe of original manuſcripts a few ſpecial characters have been uſed, as follows:

c̄, indicating ti (menc̄oned, for example, for mentioned).

ẏ, indicating -leman or -lemen (gentẏ, ſtanding for gentleman or gentlemen, uſually the latter).

p̄, indicating pre (p̄vent, prevent).

q̄, indicating que (annoq̄, for annoque)

m̄, indicating mm (ſum̄on, for ſummon).

In general, a curve over a letter indicates the omiſſion of a letter or letters either preceding or following the marked letter.

[2] The uſer of this book need hardly be told, however, that the material here given is but a ſmall part of the material ſtill unprinted in the Britiſh Public Record Office and other depoſitories which would throw ſtrong light on the queſtions treated in the papers and parts of Journals appearing in the body of the book.

[3] Until all the material referred to in the preceding note gets into print, it does not ſeem to the editor adviſable that any further attempt to write a hiſtory of the period be made.

[4] The firſt four volumes were edited by Jno. P. Kennedy, who when they were going through the preſs was librarian of the Virginia State Library; the remaining volumes have been edited by the preſent librarian.

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Preface.

The General Aſſembly of 1619.

THIS Aſſembly is of peculiar intereſt as being the firſt legiſlative body that ever met in *America*. The account of its proceedings printed in the preſent volume is not the journal kept by the clerk of the General Aſſembly—no ſuch journal has been preſerved, if written from day to day, though a clerk was appointed—but it is the report ſent home to the authorities of the *London* Company in *England* by the ſpeaker of the Aſſembly, *John Pory*, who was alſo ſecretary of the Colony. *Pory*'s poſition as ſecretary carried with it membership in the Council and conſequently membership in the Aſſembly, ſince this firſt Aſſembly was compoſed, as was the caſe in later times, both of members elected by the people and of members of the Council appointed by the authorities in *England*. *Pory* ſeems to have been appointed to the poſition of ſpeaker, as were *John Twine* and *Thomas Pierſe* to the poſitions of clerk of the General Aſſembly and ſergeant-at-arms, reſpectively, by the governor or by the governor and Council, for the ſelection took place before the Burgeſſes had become, by taking the oath of ſupremacy, fully competent to perform their duties.

At this firſt meeting of the General Aſſembly the Burgeſſes—two from each plantation— and the members of the Council, with the governor, ſat together as one body, in which each member had one vote, and queſtions were decided by the vote of the majority, the governor, however, having the power to veto any meaſure whatever. All this was in accordance with the *London* Company's commiſſion to Governor *Yeardley* eſtabliſhing the General Aſſembly; and the body continued to conſiſt of only one chamber for the few years of the further exiſtence of the *London* Company and poſſibly to a later time ſtill. By an extenſion of uſage the Company applied the term "borough" to each area, whether town, hundred, or plantation, from which repreſentatives were to come, and the term "burgeſs" to each voter in one of theſe areas. The repreſentatives in the Aſſembly were called "burgeſſes" at the ſtart, not becauſe they were repreſentatives, but becauſe they were citizens and voters in theſe "boroughs," but very ſoon the idea of repreſentation became attached to the word "burgeſs," and then, the boroughs of the company having gone out of exiſtence, the word came to mean, ſo far as *Virginia* was concerned, a repreſentative in the elective branch of the General Aſſembly and nothing elſe. Its uſe in the ſenſe of a voter did not perſiſt. But as meaning a repreſentative it continued in uſe till the Revolutionary War, though there was only one town in the Colony. The reaſon for this was, of courſe, that the term was uſed in the official documents of the later period and that theſe followed the uſage ſet by the Company.[1]

Unfortunately, the records handed down do not permit us to ſay at exactly what time the two claſſes of members began to ſit as ſeparate chambers; certainly, however, it was much before the year 1680, the date given by *Beverley*, and adopted on his authority by many later hiſtorians. Some of the evidence leading to this concluſion has been preſented in the Preface to the volume of the Journals of the Houſe of Burgeſſes immediately preceding the preſent one.[2] Additional evidence will be preſented further on in this Preface.

[1] See the commiſſion given to Sir Francis Wyatt in 1621, printed in Hening, I, 113, 114, which was almoſt certainly exactly ſimilar to the commiſſion given to Sir George Yeardley in 1618, by virtue of which the firſt General Aſſembly in Virginia was held. Unfortunately, this paper has been loſt. The firſt paper mentioning the General Aſſembly that has come down to us is dated July 24, 1621. It has the title "An Ordinance and Conſtitution of the Treaſurer, Council, and Company in England, for a Council of State and General Aſſembly." It is printed in Hening I, 110-113.

[2] See Journals of the Houſe of Burgeſſes, 1659/60-1693, p. xx.

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The ſpeaker's account of the proceedings of this General Aſſembly was firſt printed in 1857, in the "Collections of the *New York* Hiſtorical Society," with a preface by *George Bancroft*. It was again printed in the "Colonial Records of *Virginia*" (State Senate Document, Extra, *Richmond*, 1874), pp. 1-32. The original is in the *Britiſh* Public Record Office, *London*. The ſeveral tranſcripts which have been made of this very intereſting document differ from each other ſlightly in unimportant details. Two of theſe tranſcripts are at preſent in the *Virginia* State Library, one in the collection known as the "*McDonald* Tranſcripts" and the other in the collection known as the "*De Jarnette* Tranſcripts."[1] The former of theſe has been uſed as the ſource of the text printed in this volume, as it appears to be ſlightly more accurate than the *De Jarnette* tranſcript and at leaſt as accurate as the one uſed by *Bancroft*.[2]

The ſeſſions of this Aſſembly began on *July* 30, and ended on *Auguſt* 4. The laſt paragraph of the report ſhows that the Aſſembly was not finally diſſolved, but was prorogued to the firſt of *March*, 1619/20. Probably it met at that time or a little later, but no account of the ſeſſion has been handed down, though *Robert Beverley*, indeed, does ſay in his "Hiſtory of *Virginia*" that an Aſſembly met in *May*, 1620, and in this ſtatement he is followed by the more reliable *Stith*.[3]

The General Aſſembly of 1621.

THE next Aſſembly of which there is an account met in *November* and *December*, 1621—probably for only a few days—and the account is found in a letter of the governor and Council of *Virginia* to the *London* Company written in *January*, 1621/22. This letter is printed in full in *Edward D. Neill*'s "*Virginia* Company of *London*," pp. 274-286. In the abſence of the Journal of this Aſſembly, of all documents emanating from it, and of ſuch a ſpecial report relating to it as Speaker *Pory*'s report of the proceedings of the Aſſembly of 1619, it was thought adviſable to inſert in this volume ſuch parts of the letter as refer to the proceedings of the Aſſembly. Theſe are printed from the text as given by *Neill*, who copied from a manuſcript in the Library of Congreſs, which is evidently a contemporary copy of the original—almoſt certainly, indeed, the official copy kept by the governor and Council. It found its way to the Library of Congreſs with the library of *Thomas Jefferſon*.[4]

[1] The firſt of theſe two collections of tranſcripts was made in 1860 by direction of Col. Angus W. McDonald, who had been ſent to England by the General Aſſembly of Virginia to ſecure tranſcripts of ſuch papers as he could diſcover throwing any light on the queſtion of the boundary line between Virginia and Maryland, and who, finding after this task had been accompliſhed that the appropriation made was not exhauſted, expended the balance in ſecuring tranſcripts of other important documents originating in colonial Virginia. Unfortunately, four of the nine volumes of tranſcripts and the collection of maps brought back by Col. McDonald from England—the material bearing more eſpecially on the ſubject of the boundary line—diſappeared from the Virginia State Library ſome time after the occupation of Richmond by the Federal troops in April, 1865. Conſequently, when in 1870 the queſtion of the boundary line between the two States came again under official conſideration, it was neceſſary that the documents in England bearing upon it ſhould be copied again. This time the agent of Virginia was the Honorable D. C. De Jarnette, ſent over by the governor of the State. Mr. De Jarnette, too, had tranſcripts made of important Virginia documents other than thoſe bearing on the boundary line, many of them, indeed, being duplicates of the tranſcripts in the four volumes of the "McDonald Tranſcripts" which have been preſerved.

[2] A very good account of the work of this Aſſembly is contained in an article by W. W. Henry on pp. 55 ff. of Vol. II of the "Virginia Magazine of Hiſtory and Biography." Another article, going more fully than does that of Mr. Henry into the ſignificance of the caſe of Captain John Martin, the repreſentatives from whoſe plantation were not permitted to take their ſeats, is to be found in the ſame Magazine, Vol. VII, pp. 268-275, entitled "The Caſe of Captain Martin," written by Alexander Brown. In Alexander Brown's "Firſt Republic in America" is found, alſo, a very full account of the proceedings of this Aſſembly. (See "Firſt Republic in America," pp. 313-321.) The introductory note written by George Bancroft to the Proceedings of the General Aſſembly printed in the "Collections of the New York Hiſtorical Society" for 1857 is alſo excellent. This introductory note is reprinted in the "Colonial Records of Virginia."

[3] See p. 37 of Campbell's edition of Beverley's "Hiſtory of Virginia," and p. 160 of Stith's "Hiſtory of Virginia." Beverley makes this the firſt ſeſſion of the Aſſembly.

[4] Its reference marks in the Library of Congreſs are, Ms. Rec. Virginia Co., III, pt. ii, pp. 1-2a.

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The General Aſſembly of 1623/24.

THE next ſeſſion of which any record has been left, though probably there were ſeſſions held in the years 1622 and 1623, for, according to the "Ordinance and Conſtitution of the Treaſurer, Council, and Company in *England* for a Council of State and General Aſſembly," the ſeſſions were to be annual, is the ſeſſion of 1623/24, commencing *February* 16 and ending *March* 5. This was a very important ſeſſion in the hiſtory of the Colony, for the commiſſioners ſent over by the *Engliſh* government to inquire into the condition of the Colony were in *Virginia*, with whom negotiations had to be carried on, and papers had to be drawn up ſetting forth the attitude of the Colony toward the propoſed revocation of the charter of the *London* Company. The ſympathy of the coloniſts was overwhelmingly with the company.

The fight made by the king on the company is fully deſcribed in *E. D. Neill*'s "*Virginia Company of London*" and in even greater detail and more ſatisfactorily in *Alexander Brown*'s "Firſt Republic in *America*."[11] All the papers referred to by *Brown* are printed in the preſent volume—in the abſence of the regular Journal of the ſeſſion, which has been loſt—with the exception of the laws, which are to be found in *Hening*, I, 121-128. In addition, there is printed here an order of this Aſſembly which ſeems to have been overlooked by *Brown*—the ſecond order on page 41. This ſets forth the method of collecting tobacco for payment of Mr. *John Pountis* for looking after the intereſts of *Virginia* before the king and Council in *England*.

The firſt document of this Aſſembly printed in this volume is taken from *Neill*'s "*Virginia* Company of *London*" and the ſecond from *Stith*'s "Hiſtory of *Virginia*," the original manuſcript being in each caſe now in the Library of Congreſs, having been ſecured by that library with the library of *Thomas Jefferſon*. The next two documents are from the "*Bancroft* Tranſcripts," a large collection of copies of original papers in the Public Record Office, *London*, which *George Bancroft*, the hiſtorian, had made for his uſe when writing his "Hiſtory of the *United States*," and which are now in the *New York* Public Library. The next document is copied from the "Colonial Records of *Virginia*," a printed compilation already referred to, the ſource of the text of which is, as we have ſeen, tranſcripts of originals in the Public Record Office. All the other documents of this ſeſſion are printed from the "*Bancroft* Tranſcripts" except the two orders given on page 41, which are from papers in the Library of Congreſs evidently contemporary with the orders themſelves.[12]

This Aſſembly probably held another ſeſſion, in the latter part of 1624, but nothing is known in reference to it.[13]

[11] Neill's "Virginia Company of London," 385 ff.; Brown's "Firſt Republic in America," 570 ff.

[12] The Library of Congreſs papers are, in fact, pages from the original Council record book, the book, before its transfer to the Library of Congreſs, having become much mutilated, only pages here and there being preſerved.

It may be of intereſt to note that everywhere in this volume where documents have been printed from manuſcripts other than manuſcripts in the Britiſh Public Record Office and tranſcripts in the Virginia State Library, photoſtatic copies of the ſources have been uſed. In the caſe of the "Bancroft Tranſcripts" theſe photoſtatic copies have been themſelves ſent to the printer, but in the caſe of the Library of Congreſs manuſcripts—early ſeventeenth century manuſcripts—difficulties of handwriting made it adviſable that the printer be furniſhed with more legible copy.

[13] See Alexander Brown's reference to it in the "Virginia Magazine of Hiſtory and Biography," VII, 273, 274.

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Convention of 1625.

WHEN the charter was taken away from the *London* Company and the government of *Virginia* was aſſumed by the crown, there was in the form of government deviſed no proviſion made for a repreſentative aſſembly. Hence no Houſe of Burgeſſes could be legally elected. However, the governor of *Virginia*, Sir *Francis Wyatt*, and the Council, were in favor of allowing repreſentatives of the people a ſhare in the government of the Colony, although this, neceſſarily, would diminiſh their own power, and they, accordingly, called together a number of ſuch repreſentatives to conſult with them on matters moſt vitally affecting the Colony. The call has fortunately been preſerved, and is in theſe words:

"Wheras there are divers important occaſiones, w^ch^ hereby concerne the generall Eſtate of y^e^ Colony, Theſe are y^e^ you cale together all the fremen of y^e^ plantac' vnder your Comand And by the maior p'tie of y^e^ voyt [voice] to elect two of y^e^ moſt Sufficient vppon whoſe Judgements the reſt wilbe Contented to rely y^e^ they Appere at *James Cyttie* the 10th of *Maye* next enſuinge, where we hope the buſineſs will not detain them aboue three or fower dyes."

This call was iſſued at a meeting of the governor and Council held the 25th of *April*, 1625, and was directed to the commander of each plantation.[14]

To the gathering which came together purſuant to this call, preſumably on the 10th of *May*, the term "Convention" has been applied. The paper drawn up by it, preſerved in the *Britiſh* Public Record Office, has been given a place in this book among the papers of the General Aſſembly, though, technically ſpeaking, it has no title to be placed here. It is a petition to the king, and ſhows clearly the wiſh of the people of *Virginia* to be allowed to have a repreſentative aſſembly and their objection to the king's making a monopoly of the tobacco trade. The monopoly was ſpoken of by them as "the late pernitious contract." The Convention probably did nothing beyond drawing up this petition to the king and electing Sir *George Yeardley*, former governor, as the agent of the Colony to proceed to *England* and preſent it to his majeſty.[15]

There may have been other conventions held in the time intervening between the aſſumption of the government by the crown and the allowance of general aſſemblies by the crown—in the latter part of 1627—but no definite records of them have been preſerved.

General Aſſembly of 1627/28.

THE firſt General Aſſembly of *Virginia* which met after the revocation of the charter was called together at the expreſs command of the king in *March* 1627/28. The date of the moſt important paper drawn up by the General Aſſembly is *March* 26, 1628, and it is a paper of ſuch length and deals principally with a queſtion of ſuch great importance to the Colony that ſeveral days muſt have been conſumed in its drafting and conſideration. It ſeems ſafe to ſay, then, that the Aſſembly met ſome days before *March* 25, and, accordingly, in the year 1627 (old ſtyle).

As uſual for this early period, the Journal has been loſt. At the ſame time, no laws or orders paſſed at this ſeſſion have been preſerved. The papers that have come down, however, are extremely intereſting, and the laſt one printed in this book, namely, the commiſſion of the General Aſſembly to Sir *Francis Wyatt*, Mr. *Edward Bennett*, and Mr. *Michael Marſhart*, directing them to take care in *England* of the intereſts of the planters of *Virginia* in the matter of the monopoly of the trade in tobacco, which the

[14] It is printed in the "Virginia Magazine of Hiſtory and Biography," XXIII, 14, from the original "Minutes of the Council and General Court of Virginia," in the Library of Congreſs.

[15] "Firſt Republic in America," 642.

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king wiſhed to take to himſelf, ſeems to have been overlooked heretofore by writers on this period of *Virginia* hiſtory. The commiſſion is here printed, for the firſt time, from a contemporary copy—evidently the original official copy kept in *Virginia*—in the Library of Congreſs. Since it is not a paper directed to the officials in *England*, no copy of it is, of courſe, in the *Britiſh* Public Record Office. Of the other papers of the ſeſſion, there are copies both in the Public Record Office and in the Library of Congreſs, thoſe in the former repoſitory being the actual official papers ſent to *England* and thoſe in the latter the official copies kept in *Virginia*. The text given in this book follows the copies in the Public Record Office—or, more immediately, the "*Bancroft* Tranſcripts."

It was owing to the deſire of the king to monopolize the trade in tobacco, and to his thought that this could be probably more thoroughly effected by a law paſſed by the repreſentatives of the planters than by a proclamation, that the General Aſſembly was ordered to be convened. The Aſſembly, however, was by no means inclined to accede to the king's terms.[16]

General Aſſembly of 1629.

THE Aſſembly of 1629 began its meeting the 16th of *October*, as is diſtinctly ſtated in the manuſcript which is the final ſource of the text, but it cannot be ſaid how long the ſeſſion continued, ſince no further date is given. The proceedings of this Aſſembly are printed in *Hening*, and from *Hening* the text in this book has been copied. This proceſs was much ſimpler than to have a copy of the original made. And it has not, it is believed, impaired the authenticity or accuracy of the text, for a careful compariſon of *Hening* with the original manuſcript in the Library of Congreſs[17] was made by the editor of this volume, and *Hening*'s accuracy found to be moſt commendable. In fact, *Hening* now has a better text than the Library of Congreſs manuſcript, for the reaſon that that manuſcript, faded and frayed and defective in *Hening*'s time, is now in even worſe condition, one hundred years and more having elapſed ſince *Hening*'s uſe of it. In one reſpect, however, the preſent text is cloſer to the original than is the text in *Hening*: the chapter headings inſerted by *Hening* have been diſcarded.

Hening was inclined to think that he was printing the proceedings, or Journal, of the Aſſembly, rather than the acts, for he ſays as much on page 139 of Vol. I; ſtill he inſerted, "for the convenience of reference," he ſays, the words "act 1," "act 2," etc., at the beginning of the paragraphs of the manuſcript when printed. The proceedings are not, however, claimed to be a true Journal. They are, rather, ſimilar to the report of the proceedings of the firſt Aſſembly made by *John Pory*. The liſt of members of the Aſſembly is not printed in this book in connection with the proceedings, but is given with the other liſts of members in the front part of the book.

It will be noticed that at this time the members of the Houſe of Burgeſſes and the members of the Council, with the governor, ſtill ſat together. The wording of the proceedings all the way through ſhows this beyond a doubt.

[16] For all early Virginia economic queſtions Philip Alexander Bruce's "Economic Hiſtory of Virginia in the Seventeenth Century" ſhould be conſulted. The queſtion of Charles's tobacco monopoly is treated on pp. 285-288 of Vol. I of that work.

[17] This manuſcript is believed to be the official record preſerved by the Clerk of the Houſe of Burgeſſes. It is the ſource of the acts given in Hening for the ſeſſions through Auguſt, 1633.

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General Aſſembly of 1629/30.

THIS Aſſembly met the 24th of *March*, 1629/30, and continued in ſeſſion certainly for ſeveral days, but for how many it is impoſſible to ſay. No record of the Aſſembly has been preſerved other than that printed as Acts of Aſſembly in *Hening*, I, 147-153, from a manuſcript now in the Library of Congreſs. At this early date the art of keeping journals and drawing up laws was not highly developed. The journals of the daily proceedings, if written out, were probably conſidered of little permanent importance, and conſequently were ſoon loſt. The important thing was to keep a record of the reſults actually attained, that is, the petitions and other papers drawn up, and the acts and orders paſſed, and there was at the ſtart little diſtinction, if any, between theſe two kinds of enactments. Indeed, in the early days the formula "it is ordered" or "it is thought fit" uſually appears in the caſe of all enactments, variations, however, being met with. It was not until the 1643/44 ſeſſion, if we may venture on a ſtatement from the inſufficient material left, that the form "it is enacted," or "be it enacted," became eſtabliſhed as the normal form for uſe in an act, or law, "it is ordered" having been reſerved for uſe in orders.

The deſign of the writer of the manuſcript from which *Hening* copied what is given on pp. 147-153 of his firſt volume—and this writer was probably the clerk of the Aſſembly, for if the manuſcript is not the original official record, it is certainly a contemporary copy and one probably made by the clerk—was to preſerve what we ſhould now call the Acts of Aſſembly and not the Journal of the Houſe, or, as it would have been at that time, there being only one chamber, Journal of the General Aſſembly. For this reaſon the material is not printed in this volume, though it muſt be admitted that ſome of it bears a cloſe reſemblance to journal material. It muſt be admitted, alſo, that the line of demarcation between the material for this ſeſſion and that for the ſeſſion before, printed in this volume, is but faint. However, from this time on the wording of the acts becomes more and more expert, and leſs and leſs matter of a journaliſtic nature appears. Beginning with the preſent ſeſſion the enactments given by *Hening* as acts will not be found printed in this volume—with one or two exceptions where *Hening* is in error in claſſification, or where the paper, though called an act by the Aſſembly, was in reality deſigned to be ſomething in addition.[a]

Grand Aſſembly of 1631/32.

THIS Aſſembly met the 21ſt of *February*, 1631/32, and continued in ſeſſion through the ſixth of *March*. The acts of the ſeſſion are all given in *Hening*, I, 155-177, and no Journal has been handed down. The manuſcript, however, containing the acts differs from other ſimilar manuſcripts, in that it gives the different days on which the various acts were paſſed, and alſo the day of adjournment. This has made it poſſible to give the limiting dates of the ſeſſion. The manuſcript, alſo, has the two following ſtatements of a journaliſtic nature inſerted juſt after the liſt of names of the Burgeſſes and before the acts:

"The oathes of ſupremacy and allegiance were in the firſt place adminiſtered to the Governor and Councell and to all the above named burgeſſes in like manner.

In the afternoone.

"The Commiſſion from his majeſtie nowe in force was read before the whole bodie of the Aſſembly."

This is the laſt manuſcript containing the Acts of Aſſembly that has in it ſentences of the character quoted above.

[a] See pp. 66-69.

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That the Council and the Burgeſſes ſtill ſat together appears from the wording of Act XVIII, in reference to attendance on divine ſervices, which is, in part: "It is ordered, that all the Counſell and burgiſſes of the aſſembly ſhall, in the morninge, be preſent at devine ſervice, in the roome where they ſit, at the third beatinge of the drum, * * * "

However, the Burgeſſes were certainly developing an independent conſciouſneſs, for the one document of the ſeſſion handed down to us—probably the only one drawn up—was the work of the Burgeſſes alone, the governor and Council writing one of their own bearing on the ſame ſubject and directed to the ſame body. The paper of the Burgeſſes is given on pages 55 and 56 of this volume; that of the governor and Council, in the Appendix.

Theſe two papers are deſignated, the one as the petition of the Houſe of Burgeſſes and the other as the letter of the governor and Council to the Privy Council.[19] This, on further conſideration, ſeems to be an error. They were, more probably, directed to the commiſſioners appointed by the Privy Council the latter part of *June*, 1631, to inquire into *Virginia* affairs.[20] They are, however, in the "*Randolph* Manuſcript" and the "*Bland* Manuſcript" taken to have been directed to the Privy Council—that is, the only one of them (the petition of the Burgeſſes) of which an abſtract is given in theſe manuſcripts, is ſo aſſigned.[21]

Inſtead of the term "General Aſſembly," "Grand Aſſembly" makes its appearance for the firſt time at this ſeſſion, a term to remain in uſe till the ſeſſion held in 1680. There ſeems to be no ſpecial reaſon for the change, the two terms being exactly ſynonymous. It happened, however, that the paper authorizing Governor *Harvey* to call legiſlative aſſemblies uſed the term "Grand Aſſembly,"[22] which uſage was followed in *England* until 1680 and conſequently in *Virginia*. In fact, *Harvey*'s firſt Aſſembly, that held in *March*, 1629/30, ſhould on this principle have been called the "Grand Aſſembly," but the clerk made the miſtake of uſing the deſignation "General Aſſembly" up to that time in vogue.

[19] Both are printed from the original records, now in the Library of Congreſs.

[20] For the names of theſe commiſſioners, ſee Neill's "Virginia Carolorum," p. 85.

[21] The "Bland Manuſcript" is a large bound volume of tranſcripts and abſtracts of early Virginia records. The originals having in many inſtances been loſt, this manuſcript is an extremely valuable ſource of Virginia hiſtory. The copies and abſtracts were made about the year 1722, probably by a clerk in the ſecretary's office, for Sir John Randolph, who had under contemplation the writing of a hiſtory of Virginia, but who died before he could carry his purpoſe into execution. It has, however, been uſed by Stith, Burk, Hening, Campbell, and more recent workers in Virginia hiſtory. Hening gave the volume the title, by which it has ſince been known, of the "Bland Manuſcript," becauſe at the death of Richard Bland, the "Virginia Antiquary," it was in his library. It was purchaſed by Thomas Jefferſon, and with moſt of Jefferſon's library, found its way finally to the Library of Congreſs, where it is today.

The "Randolph Manuſcript," ſo called becauſe it was at one time owned by John Randolph, of Roanoke, is now the property of the Virginia Hiſtorical Society. It is an eighteenth century copy of the "Bland Manuſcript," made by an expert copyiſt, who did his work well, though ſome unimportant miſtakes have, indeed, been diſcovered.

When the preſent volume of "Journals of the Houſe of Burgeſſes" comes from the preſs, all the material in the "Bland Manuſcript" will, it is thought, have been publiſhed. Stith, in the appendix to his "Hiſtory of the Firſt Diſcovery and Settlement of Virginia," Williamſburg, 1747, made a beginning of publication, and this work has been going on, intermittently, ever ſince. The laws, moſt of the orders, and many of the paragraphs copied, either *in extenſo* or by abſtract, from the early Journals of the Houſe of Burgeſſes, were printed by Hening, and ſuch of this material as Hening failed to include, with the longer papers not elſewhere printed, has been, with a few exceptions, printed in the "Virginia Magazine of Hiſtory and Biography." The immediate ſource of the text of the "Virginia Magazine of Hiſtory and Biography" was, however, the "Randolph Manuſcript."

For fuller information in reference to the "Bland Manuſcript" and the "Randolph Manuſcript," ſee the "Records of the Virginia Company," Introduction, pp. 48-54, and the "Virginia Magazine of Hiſtory and Biography," XV, pp. 390, 391.

[22] In neither Harvey's commiſſion nor firſt ſet of inſtructions is the permiſſion to call a repreſentative aſſembly given. The commiſſion is printed in the "Virginia Magazine of Hiſtory and Biography," XVI, 125-131, and the inſtructions in the ſame magazine, VII, 267. In the inſtructions, however, is the following ſentence: "We doe likewiſe promiſe hereby to renewe and confirme unto the ſaid Collonies under our greate Seale of Englande their landes and priviledges formerlie graunted," and in inſtructions iſſued later the governor is ſpecifically authorised to call a repreſentative aſſembly, "Grand Aſſembly" being the term uſed. See the "Calendar of State Papers, Colonial, 1574-1660," p. 100.

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Seſſions of the Grand Aſſembly Held in the Period 1632-1637.

SESSIONS were held during this period almoſt every year, but about ſome of them very little is known. For the ſeſſion which began the fourth of *September*, 1632—the date of its cloſe is not known—the laws are given in *Hening*, I, 178-202, from the original records, referred to above, now in the Library of Congreſs. It is alſo known that this Aſſembly took depoſitions as to the character of the government of the Colony under the *Virginia* Company of *London*,[83] but the records have been loſt.

The laws paſſed by the Aſſembly at its ſeſſion beginning the firſt of *February* 1632/33 are printed in *Hening*, I, 202-209. This Aſſembly held a ſecond ſeſſion, which began the 21ſt of *Auguſt*, 1633, and the laws paſſed at this ſeſſion are printed on pages 209-222 of Vol. I of *Hening*.[84] That this was the ſecond ſeſſion of the Aſſembly that met in its firſt ſeſſion in *February*, 1632/33, rather than the firſt ſeſſion of a new Aſſembly, is inferred from the fact that the manuſcript does not give before the text of the laws the names of the members of the Grand Aſſembly, as is done elſewhere in this manuſcript and in others giving laws. It was cuſtomary in theſe manuſcripts to give the names of the members of the General Aſſembly whenever a new Aſſembly was convened, but not when an old Aſſembly met in a new ſeſſion. It muſt be remembered that copies of the laws paſſed at each ſeſſion were ſent to the various counties of the Colony—one copy to each county. Though ſurpriſingly few of theſe are now in exiſtence, a ſufficient number are left to ſhow what muſt have been the cuſtom in this reſpect, certainly in later times. It is poſſible, of courſe, that the ſtatement cannot be made with certainty for a time as early as 1633.

According to an abſtract in the "*Bland* Manuſcript" and in the "*Randolph* Manuſcript," printed in *Hening*, I, 223, and in the "*Virginia* Magazine of Hiſtory and Biography," XIII, 391, a meeting of the Aſſembly was held in 1634. The month is not given. The abſtract has to do with the hours of attendance of the ſecretary of the Colony in his office. At this meeting, alſo, the Burgeſſes drew up a petition to the king arguing againſt a propoſal from his majeſty that he make a monopoly of the tobacco trade, but no copy of this paper has come down, owing to the fact that the governor, the autocratic Sir *John Harvey*, at this time riding for a fall and the next year "thruſt from his government," would not forward it to the home authorities, and the ſecretary of the Colony and the clerk of the Aſſembly were afraid to give out atteſted copies.[85] The titles of ſeveral of the other acts paſſed at this ſeſſion are alſo known from a ſection of Act XXXVIII of the ſeſſion of 1641/42, which is as follows:

"That one Act made in the yeare 1634 requiringe noe wine nor ſtronge waters to be ſould w'thout liſence; That one Act made An° 1634 comandinge plantinge of vines; That one Act made in An° 1634 in forceing noe gould nor ſilver to bee worne on apparell but by Counſellors and there wives; That one Act made in An° 1634 bindinge ſeamen not to trade here goods w'thout reddye pay; That one Act made in An° 1634 entitled a reſtraint from plantinge; That one Act An° 1634 comandinge Left. *Popeley* to make good the Middle plantation; That one Act made in An° 1634 requiringe an office to bee built for the Secretary, bee from henceforth repealed."

The laws for this ſeſſion of 1641/42, from which the above is quoted, were not found by *Hening*. Many of them have, however, been printed in the "*Virginia* Magazine of Hiſtory and Biography," IX, 52-59. The preceding paragraph is to be found on page 57.

[83] See p. 66 of the preſent volume.

[84] Hening's ſource for the laws of both theſe ſeſſions is ſtill the original records.

[85] See Wertenbaker's "Virginia under the Stuarts," p. 74; alſo, "The Virginia Magazine of Hiſtory and Biography," I, 416.

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An Aſſembly probably convened on the 20th of *February*, 1634/35, for Governor *Harvey* in a letter dated *January* 27, 1634/5, to Secretary *Windebank*, ſaid that one had been called for that date,[46] but nothing is known as to its proceedings.

On the 7th of *May*, 1635, an Aſſembly came together to receive complaints againſt Governor *Harvey*.[47] This Aſſembly was called together by the Council and not by the governor and Council, and when it met, the governor, now practically a priſoner, ſent a letter ſtating that the meeting was illegal and ordering that it be diſcontinued. This order, however, was not obeyed. The Council proceeded to the election of a ſucceſſor for *Harvey*, and the Burgeſſes were called on to ratify the choice. This was done with enthuſiaſm. The Aſſembly then drew up a paper directed to the Lords Commiſſioners of Plantations, the body in *England* then having charge of Colonial affairs, in which was given a catalogue of *Harvey*'s miſdeeds as governor. This paper has not come down to us. It happened that Governor *Harvey* went to *England* in the ſame ſhip which conveyed *Thomas Harwood*, the bearer of the paper; and as ſoon as a landing was made at *Plymouth*, he prevailed on the mayor of the city to have the paper, with others, taken from *Harwood* and delivered to him. He then went on his way rejoicing to *London*, where he ſecured an order reſtoring him to his government.[48]

Another Aſſembly convened in *February*, 1635/6, and paſſed acts only a reference to one of which has been preſerved, in a letter written by the governor and Council in 1638(?) to the authorities in *England*. This act was one for reſtraining exceſſive purchaſes of wine, and the governor and Council in 1638(?) wrote that it ought to be revived.[49]

On the 20th of *February*, 1636/7, an Aſſembly met and paſſed a good many laws, but only one of theſe has been preſerved, namely, the 20th act of the ſeſſion, the object of which was to erect an office the holder of which ſhould keep a regiſter of all tobacco and other commodities exported. This was the firſt Aſſembly held by Governor *Harvey* after his return to *Virginia* as governor.[50] In a paragraph of Act XXXVIII, however, of the 1641/42 ſeſſion ſeveral other acts of this ſeſſion are mentioned. The paragraph is as follows:

"That one Act made in An° 1636 for wine and mulberry trees; That one act made in An° 1636 giveinge lib'tie for attached goods to bee prayſed and ſould; That one Act made in An° 1636 forbiddinge tranſportinge of Cattle; That one Act made in An° 1636 for plantinge Toba. w'thout reſtraint; That one Act made in An° 1636 ratinge ſheriffes fees; That one Act made in An° 1636 requiringe 4^{lb} p. pole for the Mayntenance of a Capt. of a forte and Guarders; That one Act made in An° 1636 ratinge fees of officers for regeſtringe Toba. inſpected; That an Act made in the yeare 1636 ratinge ſurveyors fees; That an Act made in An° 1636 requiringe a wayter to be putt on board ſhips; That one Act made in An° 1636 freeing Counſellors from taxes, bee repealed."[51]

[46] See the "Calendar of State Papers, Colonial, 1574-1660," p. 195 (44).

[47] Hening, I, 223; "Virginia Magazine of Hiſtory and Biography," I, 422, 427.

[48] A very good account of the career of Sir John Harvey is given in Wertenbaker's "Virginia under the Stuarts," pp. 64 ff. This book may be recommended, alſo, for all the more important events of the whole period covered by the papers embraced in the preſent volume.

[49] See "Calendar of State Papers, Colonial, 1574-1660," p. 268 (98).

[50] This act will be found printed in the Appendix to the preſent volume.

[51] "Virginia Magazine of Hiſtory and Biography," IX, 57.

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Grand Aſſembly of 1637/8.

THIS Aſſembly met in *February*, 1637/38, and remained in ſeſſion certainly for ſome time, ſince important buſineſs was tranſacted, but the exact time cannot be ſtated. The acts paſſed by this Aſſembly have not been handed down, but that one of theſe had for its object the regulation of both the quality and quantity of tobacco raiſed in *Virginia*, is learned from a letter written by governor *Harvey* to Secretary *Windebank* dated *March* 22, 1638.[33] At leaſt two other acts of the ſeſſion, with the one referred to by Governor *Harvey* are mentioned in Act XXXVIII of the ſeſſion of 1641/2, in the following paragraph:

"That one Act made in the yeare 1637 for regulatinge of Toba.; That one Act made in the yeare 1637 requiringe younge freemen to ſeat *Chickahominy;* That one Act made in An° 1637 reſtrayninge Inholders to ſell ſtrong waters, be repealed."[34]

The fulleſt account of the proceedings of this Aſſembly is to be found in the letter written by *Richard Kemp*, ſecretary of *Virginia*, to Secretary *Windebank*, dated *April* 6, 1638, with which he ſent the five documents of the Aſſembly printed in this volume. This letter, on account of its importance, is printed in the Appendix of this volume.

Of the five documents[34] of the Aſſembly, one contains the propoſitions made by the king to the General Aſſembly, eſpecially in regard to tobacco, of which the king wiſhed to make a monopoly. It will be ſeen from Secretary *Kemp*'s letter that the governor did not communicate theſe propoſitions in a ſpeech to the Aſſembly at the beginning of the ſeſſion, as would have been done later, but that this duty was performed by Secretary *Kemp* himſelf. We have no means of knowing whether at this early date it was the cuſtom for the governor to open the ſeſſions of the Aſſembly with a ſpeech, outlining the work to be done, but preſumably it was.

Three of the other four documents are the work of the Burgeſſes, and one proceeds from the governor and Council. There is no paper of the whole Aſſembly. The documents preſent to our view the fight, later to become ſo familiar, of the governor and Council in active ſupport of the propoſitions ſent over and of the Houſe of Burgeſſes in determined oppoſition. It ſhould be remembered, in explanation of this ſituation, that the members of the Council who had taken part in the expulſion of Sir *John Harvey* from the government more than two years before this had been depoſed from office and others put in their places. The Council was at this time thoroughly under the control of the governor.

Both the wording of theſe papers and the fact that they are communications paſſing between the governor and Council on one ſide and the Houſe of Burgeſſes on the other ſeem to ſhow that by this time the two chambers ſat ſeparately. It may be, however, that in the tranſaction of routine buſineſs and in the paſſing of laws the members of the Council, the governor, and the members of the Houſe of Burgeſſes all ſat together, as formerly, but that for this important matter, in reference to which the two claſſes of members were ſolidly—ſo far as it appears—oppoſed to each other, it was thought beſt that at leaſt a temporary ſeparation ſhould take place.

[33] See "Calendar of State Papers, Colonial, 1574-1660," p. 266.

[34] "Virginia Magazine of Hiſtory and Biography," IX, 58.

[34] See pp. 57-65. The headings of the documents give ſufficient information as to the ſources of the text.

Grand Aſſembly of 1639.

THAT an Aſſembly met in *October*, 1639, is ſhown by Act XXIX of the Aſſembly of *January*, 1639/40, the abridgment of which given in *Hening* is as follows:

"The act of 22d *Br.* laſt concerning burgiſſes charges repealed, and the act in 1636 revived inſtead thereof."[11] It is alſo ſhown by a paragraph of Act XXXVIII of the 1641/42 ſeſſion, which is as follows:

"That one Act made in An° 1639 entitled an Act for Contract for fraight; That one Act made in An° 1639 ratinge and vallewinge Tobaccoe; That one Act made in An° 1639 giveinge lib'tie to tranſporte Cattle, bee repealed."[12] It is alſo ſhown by Act LX of the ſeſſion of 1642/3. This is, in fact, the act of 1639 re-enacted.[13]

It was probably at this ſeſſion, too, that *George Sandys* was appointed agent for the Colony to attempt to ſecure a change in the form of government, ſince 1639 is the year given in a paper drawn up by the 1641/42-42 Aſſembly.[14] It is barely poſſible, however, that the Aſſembly referred to may have been the 1639/40 Aſſembly. Unfortunately, the inſtructions given *Sandys* have not been preſerved.

Grand Aſſembly of 1639/40.

THIS Aſſembly met the 6th of *January*, 1639/40, and paſſed at leaſt thirty-four acts, but no record of the proceedings of the Aſſembly has been handed down, nor has any document drawn up by it been preſerved. *Hening*[15] gives abſtracts of the acts, copied from the "*Bland* Manuſcript;" and in the "*Virginia* Magazine of Hiſtory and Biography," Vol. II, p. 99, is found a liſt of members of the Aſſembly, printed "from a copy made by the late *Conway Robinſon* from the original (now deſtroyed) in the office of the General Court."[16]

Grand Aſſembly of 1640/41.

AN ASSEMBLY convened in *January*, 1640/41, for there is a reference to one of the acts of that ſeſſion in Act LXXII of the ſeſſion of the Aſſembly held in *March*, 1642/43. There is a reference to another of the laws in Act XXXVIII of the laws of 1641/42, the paragraph being as follows:

"That one Act made in An° 1640 preſinge toba., bee repealed."[17]

[11] Hening, I, 229.
[12] "Virginia Magazine of Hiſtory and Biography," IX, 58.
[13] Hening, I, 274, 275.
[14] See p. 66 of this volume.
[15] See Hening, I, 224-229.
[16] The General Court building, with its contents, was deſtroyed by fire on the evacuation of Richmond in 1865.
[17] "Virginia Magazine of Hiſtory and Biography," IX, 58.

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Grand Aſſembly of 1641/42-42.

THIS Aſſembly met the 12th of *January*, 1641/42, and continued in ſeſſion for ſome time—exactly how long, it is not poſſible to ſay—when it was adjourned to the firſt of *April*.[a] During the firſt period of its activity there were paſſed the laws printed on pp. 52-59 of Vol. IX of the "*Virginia* Magazine of Hiſtory and Biography"—none of theſe laws is printed in *Hening*—and other laws which have not been found, and a great deal of time was ſpent in the diſcuſſion of other matters, eſpecially of the moſt important one, probably, of the ſeſſion, namely, the queſtion of the renewal of the charter of the *London* Company, then being agitated in *England* and *Virginia*. This much may be inferred from the laſt act paſſed at that time, that is, Act XL, which was the act adjourning the Aſſembly to the firſt of *April*, and from the fact that the paper expreſſing the final concluſions of the Aſſembly on the ſubject, printed in this book on pp. 66-69,[a] was ordered to be entered as the 21ſt act of the ſeſſion. This ſeems to indicate that the other laws of the firſt part of the ſeſſion were all completed through Act XL—though copies of Acts II-XXX, with the exception of this Act XXI, have not been preſerved—and that it was thought beſt, ſo far as this very important one was concerned, to await the arrival of the new governor, Sir *William Berkeley*, ſhortly expected. The paper is, primarily, a ſtatement of the reaſons why the majority in the Aſſembly did not favor the rechartering of the *London* Company or any ſimilar company, but it is alſo a law, in that it was ordered to be recorded as ſuch and in that the laſt two paragraphs contain real enactments, preſcribing puniſhment for any who might in the future endeavor to have a company chartered for the government of *Virginia*, and adjourning the ſeſſion again till the ſecond of *June*.

The formal adoption of this important paper ſeems to have been the only buſineſs tranſacted at the *April* meeting of the Aſſembly. Only twenty-one Burgeſſes ſigned it, preſumably, however, the full membership of the Houſe preſent. At this time the counties were allowed repreſentation in proportion, roughly ſpeaking, to their population, and the total membership of the Houſe, from the ten counties and one town in the Colony, was about thirty-ſix.[a]

At the *January* meeting of the Aſſembly now under conſideration there were thirty members of the Houſe of Burgeſſes preſent, of whom nine were from *James City*. A compariſon of the liſt of members preſent in *April* with the liſt of thoſe preſent in *January* ſhows that only eleven attended both ſeſſions. Ten new names appear on the *April* liſt. This ſeems to ſhow either that ſome of thoſe elected before the firſt meeting of the Aſſembly in *January* failed to attend or that in the period elapſing between the two meetings new members were elected. Poſſibly it ſhows both of theſe things, new members being elected in place of the old ones who had died or become incapacitated.

The Aſſembly met again, purſuant to adjournment, on the ſecond of *June* and remained in ſeſſion, preſumably, till the firſt of *July*, for that is the date of the ſecond paper of this Aſſembly, printed in this volume, entitled "The Remonſtrance of the Grand Aſſembly," drawn up in order to explain to the country why the ſeſſion had been ſuch a long one. This paper names in a general way the many important things that had been done, ſeveral of them, undoubtedly, attended to in the month between the

[a] There is ſome uncertainty as to the date. The act adjourning the Aſſembly, printed in the "Virginia Magazine of Hiſtory and Biography," IX, 58, has the 18th. The firſt day of the ſeſſion after the adjournment the important "Declaration againſt the Company to be Entered as the 21ſt Act" was paſſed. In the reply of the king to this its date is given as the 1ſt of April. Hence the firſt of April is the date given above.

[a] The paper is taken from Hening, whoſe ſources were the "Bland Manuſcript" and the "Randolph Manuſcript," the latter of which he calls, erroneouſly, "Ancient Records of the London Company, Vol. III." No copy of the paper has been found in England, nor has a copy of the petition that was ſent, with this paper, to King Charles I been preſerved. The great Civil War had ſtarted by the time the papers reached England, and they followed King Charles to York.

[a] Data are inſufficient to allow one to make a poſitive ſtatement. Laws on the ſubject before the 1645 law have not been preſerved, and the liſts of members that have been handed down give only the names of thoſe actually preſent at the meetings.

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2nd of *June* and the 1ſt of *July*, though copies of the laws paſſed have not been found.[a] The wording of the laſt paragraph of this paper ſeems to ſhow that a large outlay of money had to be made for ſome purpoſe. This was undoubtedly to pay the expenſes of the repreſentative or repreſentatives of the Colony who took the "Declaration againſt the Company" to the king, with the petition ſent at the ſame time, and poſſibly money with which to purchaſe the king's favor or that of his miniſters.

At the opening of this aſſembly Sir *Francis Wyatt* was governor, he having been ſent over to ſucceed Governor *Harvey* in the latter part of 1639, and at its cloſe Sir *William Berkeley* had aſſumed the reins of government. *Berkeley* came over ſome time before the firſt of *April*, and he ſigned the Declaration, taking the fidc of the majority of the Aſſembly and the country.

The papers were duly preſented to the king, who on *July* 5 ſent from *York* a moſt favorable reply, directed to the governor, Council, and Aſſembly.[a] Since the paper is ſo directed, it is printed in this volume as an Aſſembly document, and is not relegated to the Appendix as illuſtrative or cognate material. The Journal of the next ſeſſion of Aſſembly in all probability contained it.

Grand Aſſembly of 1642/43.

THIS Aſſembly met the 2nd of *March*, 1642/43, and continued in ſeſſion for ſome time, for it paſſed ſeventy-three laws, accompliſhed, in fact, a reviſal of the whole body of the laws; but no record of its proceedings has been found, nor any of the documents of the ſeſſion. The laws are all printed in *Hening*, I, 238-282, from a manuſcript volume now in the Library of Congreſs, which was purchaſed with the library of *Thomas Jefferſon*.[a]

Grand Aſſembly of 1643/44-44.

THIS Aſſembly met firſt on the 2nd of *March*, 1643/44, but as ſoon as the oaths of allegiance and ſupremacy were adminiſtered to the members, it was adjourned to the 1ſt of *June*, 1644. Then it met and paſſed the laws and orders of the ſeſſion, the former of which have largely to do with means of protection againſt the *Indians*, who had recently, under the leaderſhip of *Opecancanough*, accompliſhed an extenſive maſſacre of the coloniſts. Neither the laws nor the orders of the ſeſſion are found in *Hening*, but are printed in the "*Virginia* Magazine of Hiſtory and Biography," XXIII, 228-238, from a manuſcript recently diſcovered in the office of the clerk of the court of *Norfolk* County in *Portſmouth*, *Virginia*. In this manuſcript the laws and the orders are written in ſeparate liſts, which ſhows that by this time a clear diſtinction was made between the two. The orders are from this time on always introduced by the formula "it is ordered" or "be it ordered." In accordance with the precedent ſet in the volume of the "Journals of the Houſe of Burgeſſes" immediately preceding this one, the orders of the Aſſembly from this ſeſſion on are printed in the preſent volume.

The orders of the *June*, 1644, ſeſſion will be found on page 71. They were paſſed on *June* 3. The ſeſſion laſted only three days. It will be ſeen from the third order paſſed that the Aſſembly was not diſſolved, but merely adjourned till the 15th of the following *November*.

[a] We ſee, however, in the laws of a later ſeſſion ſeveral references to laws paſſed at this ſeſſion, namely, in the following acts of the March, 1642/3, ſeſſion: XLVIII, LIII, LIV, LV, LVI, LVII, LVIII, LIX, LXII, LXVII, LXIX.

[a] He attached his ſignature to their "Declaration againſt the Company to be Entered as the 21ſt Act," and thus this became a fixed law of the Colony, in ſo far as the king's ſignature in thoſe times of upheaval could make it one. This ſeems to be the firſt inſtance in which a Virginia law was ſigned by the king of England.

[a] By Hening it is called the "Randolph Manuſcript," it having been at one time the property of Sir John Randolph, from whom it was tranſmitted to his ſon, Peyton Randolph, after whoſe death it was purchaſed by Thomas Jefferſon. This volume muſt not be confuſed with the "Randolph Manuſcript" in the Virginia Hiſtorical Society library, which has been already deſcribed. It is a compilation embracing moſt of the laws and many of the orders paſſed by the General Aſſembly from 1642 to 1662, with a few excerpts from the Journals. For the period which it covers it is Hening's principal ſource.

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Grand Aſſembly of *October*, 1644.

BEFORE the adjourned ſeſſion of the Aſſembly of *June*, 1644, could be held, an entirely new Aſſembly was called together by Acting Governor *Richard Kemp* and the Council. Governor *Berkeley* had gone to *England* to get aſſiſtance in the emergency occaſioned by the *Indian* maſſacre, and Secretary *Kemp* was acting-governor in his place. The laws paſſed at this ſeſſion are printed in *Hening*.[a] The only order of the ſeſſion—or the only order preſerved—is printed in this volume on page 72, from the "*Virginia* Magazine of Hiſtory and Biography," whoſe ſource is the "*Norfolk* County Manuſcript."

Grand Aſſembly of *February*, 1644/45.

THE next Aſſembly called held a ſeſſion in *February*, 1644/45, beginning the 17th of the month. The acts are all given in *Hening*,[b] with the exception of one, which is found in the "*Virginia* Magazine of Hiſtory and Biography," XXIII, 239, taken from the "*Norfolk* County Manuſcript."

Grand Aſſembly of 1645/46.

ANOTHER Aſſembly was called to meet on the 20th of *November*, 1645. By this time Governor *Berkeley* had returned from *England* and was in his proper place as chief of the Colony. All the laws paſſed at this ſeſſion are found in *Hening*[c] except one, and this is printed on page 240 of Vol. XXIII of the "*Virginia* Magazine of Hiſtory and Biography," from the "*Norfolk* County Manuſcript."

The Aſſembly was not diſſolved at the cloſe of the ſeſſion, the date of which cannot be given, but prorogued until the firſt of the following *March*. Meeting at that time, it paſſed twenty-five acts, all of which are given in *Hening*,[d] and at leaſt two orders, which are printed in this volume[e] from the "*Virginia* Magazine of Hiſtory and Biography," XXIII, 241, whoſe ſource is the "*Norfolk* County Manuſcript."

Grand Aſſembly of *October*, 1646.

A NEW Aſſembly was called to meet on the 5th of *October*, 1646. It is not known how long the ſeſſion laſted. Twenty-nine laws were paſſed, all of which are given in *Hening*.[f] However, Act XXVIII, which is the levy act of the ſeſſion, is not given in full, that is, the amounts to be raiſed in each county and the amounts to be diſburſed in each county are not given. Theſe amounts, however, for Lower *Norfolk* County, are to be found in the "*Virginia* Magazine of Hiſtory and Biography," copied from the "*Norfolk* County Manuſcript."[g]

[a] See Hening, I, 282-289.
[b] See Hening, I, 289-298.
[c] See Hening, I, 299-309.
[d] See Hening, I, 309-321.
[e] See p. 73.
[f] See Hening, I, 323-338.
[g] At that time in Virginia hiſtory a manuſcript copy of the laws and orders paſſed at each ſeſſion of the General Aſſembly was ſent to the clerk of the county court in each county—that is, of all the general laws, but of the ſpecial and local laws and of the orders there were copies only of ſuch as would be of local intereſt in the county to which any particular manuſcript was ſent. It was felt that it would not be neceſſary to ſend, for example, the private acts and orders affecting inhabitants of Northumberland County to Henrico or Charles City, or *vice verſa*. It happens, accordingly, that ſome of theſe manuſcript copies contain laws and orders not found in others.

Grand Aſſembly of 1647/48.

THIS Aſſembly met firſt the 5th of *April* and continued in ſeſſion long enough to paſs the two acts given in *Hening* on pp. 340-341 of volume one, and to draw up and adopt the "Declaration concerning the *Dutch* Trade" printed in this volume of the Journals on p. 74. *Hening* erroneouſly aſſigns the two acts to the *November* ſeſſion of the Aſſembly. The correct date is aſcertained from the "*Norfolk* County Manuſcript."

The ſecond act of this ſeſſion is in part as follows:

"Be it enacted by this preſent Grand Aſſembly that the Aſſembly be adjourned until the ffirſt day of *October* next, and that all members of both houſes do then give their attendance at *James City* without any pretence whatſoever to the contrary, * * * "[a]

If the Aſſembly came together at that time, however, and prefumably it did, for the law is plain, and the governor would hardly have prorogued the Aſſembly to a later date in the face of the law, it ſeems to have come together only long enough to paſs an order to adjourn till the 3d of *November*. Meeting at that time, it paſſed the acts printed in Vol. I of *Hening* on pp. 341-352, and the acts and parts of acts printed on pp. 247-255 of Vol. XXIII of the "*Virginia* Magazine of Hiſtory and Biography," from the "*Norfolk* County Manuſcript."

This Aſſembly held another ſeſſion, beginning the 12th of *October*, 1648, the laws paſſed at which are printed on pp. 352-357 of Vol. I of *Hening*.

The ſtatement that this ſeſſion was an adjourned ſeſſion of the Aſſembly of 1647, and not the firſt ſeſſion of a new Aſſembly, is made ſolely on the ground that no liſt of members of the Aſſembly is given in the manuſcript before the acts. As has been ſtated, in the caſe of new aſſemblies the manuſcript copies of the ſeſſion laws give, invariably, it is ſuppoſed, the names of the members of the Aſſembly, but do not give them in the caſe of adjourned ſeſſions. In the preſent caſe no liſt appears.

The laſt act of this ſeſſion adjourned the Aſſembly to the 10th of *February*, 1649/50; but if any meeting took place at that time, no record has been preſerved.

Grand Aſſembly of 1649.

THIS Aſſembly met the 10th of *October*, 1649, and paſſed the laws printed in *Hening* on pp. 359-362 of Vol. I., but nothing further is known in reference to it. This was the firſt aſſembly meeting after the execution of *Charles* I.

Grand Aſſembly of 1650/51.

THE *Engliſh* Parliament, on *October* 3, 1650,[b] paſſed an act forbidding all trade whatſoever between *Virginia* and the outſide world, with the object, of courſe, of compelling *Virginia* to ſubmit to Parliamentary control, the Colony having up to this time been moſt recalcitrant.[c] But the governor of *Virginia* and the majority of the Council and of the Houſe of Burgeſſes looked upon the act as a threat which it would be impoſſible to enforce, and in a ſeſſion of the Aſſembly that met in *March*, 1650/51, anſwered moſt defiantly. The ſpeech of the governor to the Aſſembly and the declaration drawn up by the Aſſembly are printed from the "*Virginia* Magazine of Hiſtory and Biography," I, 75-81, whoſe ſource was a copy in the *Virginia* State Library of a pamphlet in the Library of *Trinity* College, *Dublin*, *Ireland*.

[a] Hening, I, p. 341.

[b] The date as given in the Declaration of the Aſſembly printed on p. 76 of this volume is an error. It ſhould be 1650 and not 1651.

[c] See the firſt act paſſed by the Aſſembly of 1649, Hening, I, 359-361.

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The paragraph giving the proceedings of the Aſſembly after the governor had finiſhed his fiery ſpeech is as follows:

"This ſpeech being ended the pretended Act of Parliament was publiquely read in the Aſſembly where upon (at the motion of the Houſe of Commons to the Governour and Councell) this following vindication was unanimouſly agreed on."

This ſeems to indicate that the Houſe of Burgeſſes—here for the firſt time called "Houſe of Commons," as it was occaſionally afterward—at this ſeſſion ſat as a ſeparate chamber. The meaning of the paſſage is taken to be that the act of Parliament was read to the two chambers in joint ſeſſion and that the "vindication" "unanimouſly agreed on" was unanimouſly agreed on firſt by the Houſe and then by the governor and Council.

Grand Aſſembly of 1651-1651/52.

A VERY intereſting hiſtorical paper found among the records of *Northampton* County ſeems to indicate that a ſeſſion of the Aſſembly was held in *September*, 1651, but of this ſeſſion nothing further is known. One paragraph of the paper is as follows:

"*Imprmis.* Wee the Inhabitants of *Northampton* Countie doe complayne that from tyme to tyme (p̄ticular yeares paſt) wee have been ſubmitted & bine obedient unto the paymt of publeq Taxacons. Butt after ye yeare 1647, ſince yt tyme wee Conceive & have found that ye taxes were very weightie. But in a more eſpetiall manner (undr favor) wee are very ſenſible of the Taxacon of fforty fixe pounds of tobacco p̄ poll (this preſent yeare). And deſire yt ye ſame bee taken off ye charge of ye Countie; furthermore wee alledge that after 1647, wee did underſtand & ſuppoſe or [our] Countie or *Northampton* to bee diſioynted & ſequeſtered from ye reſt of *Virginia*. Therefore that Llawe wch requireth & inioyneth Taxacons from us to bee Arbitrarye & illegall; fforaſmuch as wee had neither ſummons for Ellecon of Burgeſſes nor voyce in their Aſſemblye (during the time aforeſd) but only the Singlur Burgeſs in *September, Ano.*, 1651. Wee conceive that wee may Lawfullie pteſt agt the Pceedings in the Act of Aſſemblie for publiq Taxacons wch have relacon to *Northmton* Countie ſince ye year 1647."

The paper as a whole conſiſts of a ſet of inſtructions drawn up for the guidance of the Burgeſſes for *Northampton* County in the *April*, 1652, Grand Aſſembly by a committee of the people of the county. It is dated *March* 30, 1652. It is printed in full in *Jennings Cropper Wiſe*'s "Early Hiſtory of the Eaſtern Shore of *Virginia*," pp. 139-140.

The Aſſembly found out, contrary to expectations, that the Parliamentary government was prepared to force the Colony to capitulate. An *Engliſh* fleet of ſufficient ſtrength failed up the *James* in the early ſpring of 1651/52, and the governor, after an appropriate ſhow of reſiſtance, very ſenſibly yielded. He called the members of the Aſſembly together, however,[a] and proceedings reminding one of the proceedings taking place in the caſe of two equal powers were carried through between the *Virginia* Aſſembly and the Parliamentary Commiſſioners, two out of three of them being themſelves, indeed, *Virginians*. The Commiſſioners allowed the Aſſembly the moſt lenient terms, and the Colony acknowledged the ſupremacy of Parliament. The terms agreed on are contained in the paper entitled "Articles at the Surrender of the Country," agreed upon by the Commiſſioners and the Aſſembly, and in the ſubſidiary paper agreed upon by the Commiſſioners and the governor and Council, its articles having to do with the rights and privileges of Sir *William Berkeley* and the members of his Council under the new government that was to be ſet up. Both the papers are printed in this volume—on pages 79-81—the firſt of manifeſt right, it being in the ſtricteſt ſenſe a document of the Aſſembly,

[a] It ſeems probable that this was not a new Aſſembly, but the Aſſembly which had already held a ſeſſion in 1651.

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and the ſecond, though not a document of the whole Aſſembly, only a document of one branch of the Aſſembly, having ſo cloſe a connection with that document that it would ſeem improper to ſeparate the two. The proclamation of indemnity, called an "Act of Indemnity," iſſued by the Commiſſioners, is alſo given, to complete the ſtory. It was, undoubtedly, communicated to and read before the Aſſembly, in this way becoming a document of the Aſſembly in much the ſame ſenſe in which the letter of *Charles* I to the Aſſembly in 1642 became an Aſſembly document.

Grand Aſſembly of *April-May*, 1652.

THE Parliamentary Commiſſioners, having been given power by the Council of State in *England* to call a meeting of the Burgeſſes, proceeded to do ſo, in order to draw up a plan of government for the Colony till the government ſhould be definitely arranged by the authorities in *England*, at this time, the ſpring of 1652, the Parliament, with the Council of State acting as an executive. This Houſe of Burgeſſes and the Commiſſioners acting with them formed a kind of conſtitutional convention, and their work, owing to the peculiar ſituation of affairs exiſting in *England*, was allowed to ſtand, with little interference, till the cloſe of the commonwealth period. According to the framework drawn up, the Burgeſſes were to be the ſeat of power, electing both the governor and the members of the Council, who were to aſſiſt the governor in executive and judicial matters. The Aſſembly at the ſtart conſiſted of the members of the Houſe of Burgeſſes and the Parliamentary Commiſſioners, and then, after the governor and members of the Council had been elected, of theſe in addition. It ſeems to have been unicameral throughout.

The Aſſembly met the 26th of *April* and remained in ſeſſion for ſome time, though the exact date of adjournment cannot be given. It does not ſeem that any laws in the uſual ſenſe were paſſed, moſt of the time of the Aſſembly being taken up with conſtitutional queſtions. At leaſt one petition, however, was handed in to the Aſſembly, which was granted. Unfortunately, the full proceedings have not been handed down, but the paragraphs that have been preſerved, being dated and having in places ſomewhat of the journaliſtic ſtyle, have more of the appearance of a true journal than any proceedings going before.

The proceedings as printed in this volume are from two different original ſources, namely, the Library of Congreſs "*Randolph* Manuſcript," mentioned before, and a manuſcript in the Library of Congreſs in the handwriting of *Thomas Jefferſon*, called by *Hening* the "*Jefferſon* Manuſcript."[a] Moſt of what appears in theſe two manuſcripts concerning the preſent ſeſſion is printed in *Hening*;[b] but one paragraph in the "*Randolph* Manuſcript" not uſed by *Hening* is found in the "*Virginia* Magazine of Hiſtory and Biography," VIII, 386, 387.

[a] Jefferſon wrote at the beginning of this manuſcript, "Copied from Mercer's Ms. by Thos. Jefferſon." The Mercer here ſpoken of was probably the diſtinguiſhed lawyer, John Mercer, of "Marlborough," the author of the "Abridgement of the Laws of Virginia," the firſt edition of which was publiſhed at Williamſburg in 1737. The manuſcript has in it ſome of the acts and orders paſſed at the ſeveral ſeſſions from April 1652 to March, 1660/61, being much fuller for the laſt ſeſſion covered than for any other.

[b] See Hening, I, 371-373.

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Grand Aſſembly of *November*, 1652.

THE Aſſembly met again on the 25th of *November*, 1652. It does not ſeem to have paſſed any laws in the uſual form—at any rate none of theſe has been handed down. It, however, conſidered a number of queſtions of importance, and gave judgment in reference to them by means of orders. Eſpecially are the orders in the law caſes, in which the Aſſembly acted as the court of laſt reſort in *Virginia*, of intereſt. Appeals to the Aſſembly in law caſes had been allowed for ſome time,[a] and no doubt many caſes had come up, but this is the firſt ſeſſion for which we have record of them.

The ſources of information for this ſeſſion are the ſame as thoſe given for the preceding ſeſſion.

Grand Aſſembly of 1653.

THIS Aſſembly met the 5th of *July* and continued in ſeſſion certainly till the 13th of the month, that being the laſt date given in ſuch of the proceedings of the Aſſembly as have been preſerved, and probably much longer.

The ſources of the text of the proceedings printed in the preſent volume from *Hening* and the "*Virginia* Magazine of Hiſtory and Biography" are the "*Randolph* Manuſcript" of the Library of Congreſs, the "*Jefferſon* Manuſcript," and the "*Bland* Manuſcript," the "*Virginia* Magazine of Hiſtory and Biography" going back to the "*Bland* Manuſcript" through the "*Randolph* Manuſcript" of the *Virginia* Hiſtorical Society, which, as has been ſaid, is a copy of the "*Bland* Manuſcript" of the Lib rary of Congreſs.

The "*Bland* Manuſcript" is, as has alſo been ſaid, a collection of tranſcripts and of abſtracts of official *Virginia* records or poſſibly in ſome caſes of copies of theſe. Uſually ſuch orders as are given are copied in full, and occaſionally a few paragraphs are taken from the Journals of the ſeveral Aſſemblies, but, unfortunately, in no caſe has an entire Journal been copied, the compiler taking only ſuch parts of the originals as ſeemed to him to be moſt important. The compiler, too, has not always done his work very ſatisfactorily, there being here and there evident errors in tranſcription, careleſs abſtracting, and failure to copy a ſufficient amount from the original records to give the full ſtory of a tranſaction. The laſt of theſe faults is well illuſtrated in the caſe of the material appearing in this volume on pp. 86-88, eſpecially that part of it giving the proceedings in the caſe of Captain *Abraham Read*. The full charge againſt Captain *Read* is given, Captain *Read*'s acknowledgment of his errors, and the order of the Aſſembly in the matter, with the date. But then, without date, comes the petition of the offender, which muſt have been written ſeveral days after the order of the Aſſembly—the wording of the petition ſhows this—and the diſpoſition made of the petition is entirely omitted. Having commenced with the caſe of Captain *Read*, the compiler ſhould have been careful to give the whole ſtory, ſo far as the records permitted. Deſpite its imperfections, however, the "*Bland* Manuſcript" is, in the loſs of the original records, of the very higheſt importance as a ſource of *Virginia* hiſtory.

[a] See Hening, I, 272.

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Grand Aſſembly of 1654-55.

THIS Aſſembly held two ſeſſions, one in *November*, 1654, and the other in the following *March*. The firſt ſeſſion began on the 20th of *November*, but the date of its cloſe is not known. Moſt of the orders and proceedings—ſuch of them as have been preſerved—are given in the preſent volume on pp.93 and 94, from the ſources deſcribed above. However, ſeveral of them and one or two ſentences evidently from the Journal were overlooked becauſe of a miſunderſtanding on the part of the editor of this volume of a ſtatement made by *Hening*. This omitted material appears below. *Hening* ſays on p. 388 of Vol. I: "Here follow in the *Rand.* and *Bl.* Mſs. the deciſions of the Grand Aſſembly, in various civil actions, but they are not of ſufficient importance to juſtify their inſertion." The editor ſuppoſed from this that the "*Randolph* Manuſcript"—that is, the "*Randolph* Manuſcript" of the Library of Congreſs—and the "*Bland* Manuſcript" had the ſame material which *Hening* omitted, and ſupplied in the text the material contained in the former of theſe manuſcripts as given in the "*Virginia* Magazine of Hiſtory and Biography," VIII, 387, 388, but an examination of the "*Bland* Manuſcript" ſhows that it does in fact contain additional material. This material is, of courſe, alſo in the *Virginia* Hiſtorical Society "*Randolph* Manuſcript," but it was not given in the "*Virginia* Magazine of Hiſtory and Biography" when this periodical publiſhed ſuch parts of the manuſcript as had not already found their way into print, which was done ſome years after ſimilar treatment had been given the Library of Congreſs "*Randolph* Manuſcript." The editor of the "*Virginia* Magazine of Hiſtory and Biography" probably interpreted *Hening* as, later, the editor of the preſent volume of the Journals interpreted him. Hence the paragraphs of the "*Bland* Manuſcript" omitted by *Hening* appear here, it is believed, for the firſt time in print. They are as follows:

"It is ordered by this preſent Grand Aſſembly in the Difference between Capt. *Thos. Willoughby* and *Bartholomew Hodgeskins* that *Hodgeskins* the then Sheriff is no way liable to make *Willoughby* any ſatisfaction and the former proceedings againſt the ſaid *Willoughby* of the Aſſembly were grounded upon very good Reaſons becauſe it appeareth that the ſaid *Willoughby* was not ſworn nor acted as a Counſellor of this Country before the Levy was made which he refuſing to pay occaſioned all the Damage which in this petition he doth pretend to.

It is Ordered that the Suit between Capt. *Thos. Willowby* and Coll. *Francis Yeardley* be Diſmiſſed and and that Capt. *Willowby* allow Coſts to Coll. *Yeardley*.

It is ordered that Leiut. Coll. *Swan* is not liable to give any ſatisfaction to *Karby Kiggan* or to be further moleſted by him for that we find not any action Entred againſt the party as appeareth by Certificate under the Cl. hand of that Cnty.

It appears that *Cornelius Loyd* Deced was juſtly Indebted by his own acknowledgem[t] in a Bond of five hundred pounds Sterling to *Edward Sanderſon* for which Judgment is now given.

It is Ordered that the Difference between *W[m] Deynes* and *Tho[s] Purfrey* be referred to the next ſeſſion.

It is Ordered that M[r] *ffrancis Emperour* Satisfye unto Coll. *Burbage* and Coll. *Dew* one third part of the advance laid upon the Cargoe of the Ship *John* and alſo to bear one third part of the Loſs of the Goods of the Cargoe and a third part of the Charges Expended after the Sale of the ſhip becauſe he hath Record'd a third part of the Cargo.

The Com. appointed to make inquiry of the dues of the Country and to proportion the Levies.

Majr. *John Carter* Capt. *Henry Perry* M[r] *Wm. Walters* Capt. *John Moon* M[r] *John Sheapheard*."

The Houſe and the Council had by this time evidently reſumed the practice of ſitting ſeparately, as is concluded from ſeveral pieces of evidence in the proceedings. The firſt piece of evidence is furniſhed by the firſt order given. This was paſſed by the

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Houſe of Burgeſſes alone. It concerned the ſpeaker of the Houſe, Colonel *Edward Hill*, and, accordingly, it was not neceſſary that the Council ſhould concur in it. The words, however, "it is therefore ordered by this houſe" ſhow that there were two chambers, for, had there been only one—if the Council and the Burgeſſes had been ſitting together—the wording would have been, as is the caſe with the other orders of the ſeſſion, "it is ordered by the Aſſembly," or "the Grand Aſſembly." Secondly, the names of the Houſe members of the Committee for Private Cauſes are given, and then the ſtatement is made that Colonel *William Clayborne*, Colonel *William Taylor*, and *Edward Diggs*, Eſq., were added to the committee. Theſe three gentlemen were members of the Council. Had there been only one chamber, there would have been no diſtinction in naming the committeemen. In the third place, the governor ſent a communication to the Houſe ſtating that the governor and Council had called Mr. *Edward Diggs* to be a member of the Council and asking that the Houſe, or "Aſſembly," as he called the Houſe, conſent to the ſelection. It will be remembered that the Houſe was the ſource of power at this time.

The Aſſembly adjourned to the 20th of *March*, 1654/55. The items given in this volume on pp. 95-98, under the heading "Some of the Proceedings of the 1654/55 Seſſion," were all taken by the editor of the preſent volume, when the text of the volume was being ſecured, to belong to the 1654/55 ſeſſion, deſpite difficulties, becauſe the Library of Congreſs "*Randolph* Manuſcript," the original ſource of the text, has the material in this order.[45]

On further conſideration it appears to the editor that the compiler of the manuſcript has in fact, however, inſerted ſeveral paragraphs that do not belong to the 1654/55 ſeſſion, but to the 1655/56 ſeſſion. He, beyond doubt, put the acts of the *March*, 1655/56, ſeſſion before thoſe of the *March*, 1654/55, ſeſſion, dating both 1655,[46] and in the ſame way has confuſed ſomewhat the two ſeſſions ſo far as the orders and extracts from the Journals are concerned. Unfortunately, the "*Bland* Manuſcript" can be of no aſſiſtance in ſtraightening out the tangle, for the reaſon that this manuſcript has no entries for theſe two ſeſſions, except the acts for the 1655/56 ſeſſion. The "*Randolph* Manuſcript" of the Library of Congreſs is our ſole reliance, and the text given in this volume, on pp. 95-98, follows the order of that manuſcript exactly, all the items being put under the 1654/55 ſeſſion. However, an examination of the individual items ſhows that ſeveral ſhould probably be aſſigned to the 1655/56 ſeſſion, the firſt ſeſſion of a new Aſſembly.

The liſt of members of the 1654/55 ſeſſion, which was an adjourned ſeſſion from the preceding *November*,[47] muſt have been about the ſame as the liſt for that ſeſſion, which is given in the "*Randolph* Manuſcript" of the Library of Congreſs, and printed in *Hening* I, 386, in *Stanard*'s "Colonial *Virginia* Regiſter," pp. 71,72, and in the preſent volume of the "Journals of the Houſe of Burgeſſes," on p. xxii. A compariſon of the names of the members of the Committee of Private Cauſes, the firſt item given, with the names of the members of the Houſe for the *November*, 1654, ſeſſion, and preſumably for the *March*, 1654/55, ſeſſion, ſhows that theſe do not correſpond, and that accordingly this Committee of Private Cauſes muſt be for the 1655/56 ſeſſion. It is true that this ſeſſion of *March*, 1654/55, was adjourned to the following *March*,[48] and that the "*Randolph* Manuſcript" gives no liſt of members, before the acts of the latter ſeſſion, for that ſeſſion, and that uſually under ſuch circumſtances this would be taken to indicate that the *March*, 1655/56, ſeſſion was a ſeſſion adjourned from the *March*, 1654/55, ſeſſion. This cannot be, however; for the acts of the *December*, 1656, ſeſſion, as given in the "*Randolph* Manuſcript" and

[45] For the confuſion exiſting in the "Randolph Manuſcript" in reſpect to the dating of the laws for the ſeſſions of March, 1654/55, and March, 1655/56, ſee Hening I, 393-395, 404,410. This confuſion and the further confuſion in reference to the orders and the excerpts from the Journals are the reſult, of courſe, of the uſe of the "old ſtyle" in dating ſome of the manuſcript ſources of the "Randolph Manuſcript" and of the "new ſtyle" in dating others, and the failure of the compiler to make allowance for this.

[46] See Hening, I, 393, 404, 410.

[47] See p. 94.

[48] See p. 97.

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printed in *Hening*, are headed as follows: "At a Grand Aſſembly held at *James Citty* by prorogation from the 10th of *March*, 1655, to this inſtant, firſt of *December*, 1656, wherein was inacted as followeth." This ſhows that the *March*, 1655/56, ſeſſion was the firſt ſeſſion of a new Aſſembly; in other words, a general election had been held. Even if this evidence were lacking, the very names of the committee would warrant the aſſertion; for of the twelve Houſe members of the committee only two were members of the *November*, 1654, ſeſſion, and it is unbelievable that unleſs there had been a general election the memberſhip of the Houſe could have changed ſo greatly. Moreover, Colonel *Thomas Dew* is recorded as one of the two Council members added to this committee. Now, Colonel *Dew* was a member of the Houſe at the *November*, 1654, ſeſſion, and at the *March*, 1654/55, ſeſſion till *March* 31, 1655, when he was elected by the Houſe a member of the Council.[46]

Almoſt certainly, then, this committee belonged to the 1655/56 ſeſſion, which was the firſt ſeſſion of a new Aſſembly that held its ſecond and final ſeſſion in *December*, 1656. By ſimilar reaſoning the Committee for the Levy and the Committee concerning the Act for Markets belong to the *March*, 1655/56, ſeſſion, and poſſibly the two items in reference to Mr. *John Page* and Colonel *John Flood*. Other items, poſſibly—in fact, probably, for there is no reaſon to think that the 1655/56 ſeſſion was leſs active than its immediate predeceſſor—belong to the later ſeſſion, but ſufficient data are not at hand for identification.

Grand Aſſembly of 1655/56-56.

THIS Aſſembly, as did the Aſſembly of 1654/55, held two ſeſſions, the firſt in *March*, 1655/56, and the ſecond in the following *December*. Of the firſt ſeſſion of the Aſſembly ſufficient has been ſaid above. The ſecond ſeſſion began the firſt of *December* and continued certainly through the 15th—for two letters written by the Aſſembly bear that date—and poſſibly longer. It paſſed various acts and orders, given in the manuſcripts already deſcribed, ſome of them in one manuſcript and ſome in another, printed in *Hening*'s "Statutes at Large" and the "*Virginia* Magazine of Hiſtory and Biography,"[47] and drew up letters to *Oliver Cromwell*, lord protector, and *John Thurlow*, ſecretary of ſtate, and inſtructions to *Edward Diggs*, appointed agent of the Colony in *England*. All the orders are printed in this book, including one claſſed by *Hening*, by overſight, as an act, as are the letters and inſtructions referred to above, which are printed from *Burk*'s "Hiſtory of *Virginia*," II, 116-117, *Burk* having copied them from the "*Bland* Manuſcript."

[46] See p. 97.

[47] See Hening, I, 414-428, and the "Virginia Magazine of Hiſtory and Biography," XVII, 128-132, and VIII, 390-391.

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Grand Aſſembly of 1657/58-58.

THIS aſſembly met the 13th of *March*, 1657/58, and continued in ſeſſion certainly through the 3rd of *April*, 1658, and poſſibly longer. The proceedings printed in this volume are not the full Journal of the Houſe for this ſeſſion, but they come much nearer being a full Journal than any proceedings which have gone before, and are evidently—except in the caſe of the few orders of the whole Aſſembly preſerved and printed—the proceedings of the Houſe alone.

The ſeſſion was an unuſually important one. At it was paſſed a body of reviſed laws, one hundred and thirty-one in number, prepared by a committee of reviſal appointed at the preceding ſeſſion,[a] and there occurred a ſtiff diſpute between the Houſe of Burgeſſes and the governor and Council as to the relative powers of the two, the Houſe coming off triumphant. Fortunately, the compiler of the Library of Congreſs "*Randolph* Manuſcript," to which the text given in this volume goes back, gives ſufficiently full extracts from the original Journal to enable the reader to get a pretty clear underſtanding of the ſituation. The proceedings as printed in this volume follow the order as given in the "*Randolph* Manuſcript;" and one or two items omitted both by Hening and in the "*Virginia* Magazine of Hiſtory and Biography" have been inſerted.

The Houſe on *March* 26 voted that at the cloſe of the ſeſſion the Aſſembly ſhould not be diſſolved, but ſhould be adjourned to the 1ſt of *November*.[b] Whether or not it met at that time is not known, none of the proceedings having been preſerved.

Grand Aſſembly of 1658/59.

THE next ſeſſion of Aſſembly—and it was a ſeſſion of a new Aſſembly—began the 7th of *March*, 1658/59, and continued through the 15th of *March*—which is the date of the laſt proceedings given in the Library of Congreſs "*Randolph* Manuſcript"—and probably longer. Very important laws were paſſed[c] and conſtitutional queſtions ſettled. As in the caſe of the proceedings of the preceding ſeſſion, the material printed, the Library of Congreſs "*Randolph* Manuſcript" being the ſource, has been given in the order in which it appears in that manuſcript. As in the former caſe, the proceedings are thoſe of the Houſe ſitting ſeparate from the Council and have the appearance of the later Journals of the Houſe. Much material in the original Journal, however, is evidently omitted.

The Appendix.

The material in the Appendix may be deſcribed briefly as follows:

The firſt paper is a law drawn up by the governor and Council in the period after the revocation of the charter of the *London* Company and before the meeting of the firſt Grand Aſſembly called together by authority of the king. The term "law" ſeems to be the proper one in the premiſes, for during that period the governor and Council made up the law-making body as conſtituted by the proper authorities in *England*. The law ſeems to have a warrant to be inſerted here becauſe it furniſhes an intereſting example of the kind of laws promulgated by the governor and Council at this time, and it has—ſo far as the editor of the volume knows—never been printed before. The original is a manuſcript in the Library of Congreſs which is almoſt certainly the original copy of the law preſerved by the clerk of the Council.

[a] For theſe laws, ſee Hening, I, 432-494.

[b] See p. 107.

[c] Hening, I, 516-525.

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The next three papers are letters written by the governor and Council at the close of the Grand Assembly of 1628/29 to powerful noblemen in *England* requesting their influence in the prevention of the tobacco monopoly at that time under contemplation by the king. They supplement the papers drawn up by the whole Assembly, and are the letters referred to in the commission of the General Assembly to Sir *Francis Wyatt*, Mr. *Edward Bennett*, and Mr. *Michael Marshart* constituting them agents to manage the case of *Virginia* at this important juncture.[71] They are directed, respectively, to Viscount *Mandeville*, the Earl of *Dorsett*, and Lord *Delaware*. The first of these, *Henry Montagu*, Viscount *Mandeville*, was at that time president of the Privy Council; the second, *Edward Sackville*, the Earl of *Dorsett*, was a member of the Privy Council, had always shown great interest in *Virginia* affairs, and was to be appointed in 1631 a member of the commission named to advise some course for the advancement of the planting of *Virginia*; the third, *Henry West*, Lord *Delaware*, was the son of the Lord *Delaware* so closely connected with the earlier history of the Colony.

The text is obtained from contemporary copies of the originals, these copies being now in the Library of Congress. The letters have never been printed in full before.

The original of the next paper, which is in the *British* Public Record Office, the text here presented being from the "*Bancroft* Transcripts," has endorsed on it in the handwriting of Viscount *Dorchester*, Secretary of State, "The Government of *Virginia*'s Memorial." The form of it, however, shows it to be, not the memorial as drawn up by the government—that is, the governor and Council—of *Virginia*, but the substance of this memorial as made by Viscount *Dorchester*, or, possibly, made for him by a clerk. The paper is not dated, but is in the "Calendar of State Papers" given the date of "*April* ?, 1630." It is inserted here merely because it is of interest as throwing light on the history of the time and because it has never been printed before.

The next document, printed on pp. 124, 125, is a letter from the governor and Council of *Virginia* to the commissioners named in *England* in 1630 to examine into the condition of *Virginia* and suggest means for its improvement. It is the companion paper of the petition drawn up at the same time by the House of Burgesses,[72] and is, like that paper, erroneously said in the heading given it by the editor, following the "*Bland* Manuscript," to be directed to the Privy Council.[73]

The printing of the twentieth act of the Grand Assembly of 1636/37, next in order, was decided on, because this act, not given in *Hening*, and not printed in full anywhere, so far as is known to the editor, is the sole existing discovered monument of the Assembly which brought it into being.

The letter from *Richard Kemp*, Secretary of the Colony of *Virginia*, to Sir *Francis Windebank*, Secretary of State, dated *April* 6, 1638, gives a contemporary account of the important session of the Assembly of 1637/38, and is, therefore, of course, well entitled to a place in this Appendix.

The bill of sale of the ship *Leopoldus* to *Walter Chiles* is of importance as showing the participation of the House of Burgesses in the commonwealth period in executive transactions. For the order of Assembly setting forth that the ship should be sold, see p. 91.

The letter from *Henry Lawrence*, Lord President, and Council of State to the governor and General Assembly of *Virginia*—the term "General Assembly" is used in the letter, and not "Grand Assembly," though the latter was the term used in *Virginia* at the time for the colonial legislature—might from one point of view have been more properly printed in the body of this volume than in the Appendix, for it is a communication to the General Assembly, such a communication as the letter from King *Charles* I to the governor, Council, and Assembly of *Virginia* printed on p. 70. Such a communication was always undoubtedly read before the full Assembly at the session following receipt and spread upon the Journal, certainly of the House, and possibly of the Council if at that time the

[71] See pp. 50, 51.

[72] See pp. 53, 56.

[73] See the statement on p. xxxiii of this Preface in reference to the error.

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Council kept a Journal of their proceedings as a branch of the legiſlative body, which, indeed, is very doubtful. Thus from the point of view of *Virginia* the letter would become a legiſlative document. If this letter was actually ſent to *Virginia* and received there, it would have been read at the ſeſſion held in *November*, 1654, and ſpread upon the Journals, and certainly the compiler of the Library of Congreſs "*Randolph* Manuſcript" or the compiler of the "*Bland* Manuſcript" would have thought it of ſufficient importance for him to copy it in full. It has, however, been noticed by neither. Furthermore, the letter contains the following injunction relative to the continuance of Colonel *Bennett* in the office of governor of *Virginia*: "And to the intent it may not ſuffer any Inconvenience by the unfixtdnes of the governm[t] His Highnes hath though fitt to Continue Colonell *Bennett* (of whom his Highnes hath received a good Character) in execution of the place of Governo[r], till his Highnes ſhall further ſignifie his pleaſure in that behalf, which you may in probability expect by the next Ships." However, the fact is that, though ſo far as is known no further communication was in the meanwhile received on the ſubject in *Virginia*, the Houſe of Burgeſſes on *March* 31, 1655, elected *Edward Diggs* as governor. It is argued that had the Houſe of Burgeſſes had the letter from which the above extract is taken, they would hardly have been ſo bold as to go counter to the inſtruction. Since, then, ſome uncertainty exiſts as to whether the letter was received in *Virginia*, it has been printed in the Appendix to this volume rather than in the main body of the volume.

The next paper in the Appendix, namely, the order of the Council of State in *England* in reference to the appointment of a governor in *Virginia*, dated *December* 18, 1657, is merely given as intereſting and important ſubſidiary hiſtorical material, although nothing came of the recommendation to the lord protector made therein.

The next paper, namely, the order of the Houſe of Burgeſſes in the 1657/58 ſeſſion naming the governor and Council of *Virginia* until the next meeting of the Aſſembly or until the further pleaſure of the ſupreme power in *England* ſhould be known, ſhould have been printed, undoubtedly, in the body of this volume, as are the ſimilar orders of the Commonwealth period,[14] but was omitted by overſight. However, the ſame liſt is given in the proceedings on p. 113, but not in the ſame order. It will be ſeen from what is there given that the governor named the members of the Council in the firſt place, and that they were confirmed by the Houſe. The order given in the Appendix is the formal order placed in front of the laws for the year. It ſhould be dated ſome time after the 3d of *April*, the date of entry in the Journal, above referred to.

The paper next in order is the order of the Council of State, dated *Auguſt* 31, 1658, ſetting forth the reaſons why they were impelled to write a letter of advice and inſtruction to the governor and Council of *Virginia*, and giving the letter in full. Before the letter could be diſpatched, however, *Oliver Cromwell* died, and it was neceſſary to change ſomewhat the wording.

The changed letter duly appears incorporated in the Journal of the Houſe of Burgeſſes for the 1658/59 ſeſſion and was copied therefrom in ful l by the compiler of the Library of Congreſs "*Randolph* Manuſcript." Accordingly, it appears in the body of this volume.

The laſt paper appearing in this Appendix conſiſts of certain orders of the *March*, 1660/61, Aſſembly, and ſhould have been printed in the preceding volume of this ſeries with the maſs of other orders of that ſeſſion printed there,[15] but they were not found by the editor in time. They are printed here from the "*Virginia* Magazine of Hiſtory and Biography," from the Library of Congreſs "*Randolph* Manuſcript," which is the ſource of thoſe, alſo, printed in the preceding volume from *Hening*'s "Statutes at Large."

[14] See pp. 82 and 97.

[15] See "Journals of the Houſe of Burgeſſes, 1659/60-1693," pp. 11-13.

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A REPORTE

of the Manner of Proceeding

in the

GENERAL ASSEMBLY

Convented at

JAMES CITTY IN VIRGINIA,

JULY 30. 1619

Conſiſting of the Govern^or^, the Counſell of Eſtate, and two Burgeſſes elected out of eache Incorporation, & Plantation, & being diſſolved the 4^th^ of *Auguſt* enſuing.



RICHMOND, VIRGINIA.

MCMXV.

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A REPORTE

of the manner of proceeding
in the

GENERAL ASSEMBLY

convented at *James Citty* in *Virginia, July* 30. 1619 conſiſting of the Govern^or^, the Counſell of Eſtate, and two Burgeſſes elected out of eache Incorporation, & Plantation, & being diſſolved the 4^th^ of *Auguſt*, enſuing.

FIRST Sir *George Yeardley* Knight Govern^or^ & Captaine general of *Virginia*, having ſent his ſumons all over the Countrey, as well to invite thoſe of the Counſell of State that were abſente as alſo for the Election of Burgeſſes there were choſen and appeared,

For *James Citty*
Captaine *William Powell*,
Enſigne *William Spence*,
For *Charles Citty*
Samuel Sharpe,
Samuel Jordan,
For the Citty of *Henricus*
Thomas Dowſe,
John Polentine,
For *Kiccowtan*,
Captaine *William Tucker*,
William Capp,
For *Martin-Brandon* Cap^t^. *John Martins* Plant^n^
M^r^ *Thomas Davis*,
M^r^ *Robert Stacy*.
For *Smythes Hundred*
Captaine *Thomas Graves*,
M^r^ *Walter Shelley*.
For *Martins Hundred*,
M^r^ *John Boys*,
John Jackſon
For *Argalls guiffe*
M^r^ *Pawlett*,
M^r^ *Gourgainy*.
For *Flower dieu Hundred*
Enſigne *Roſſingham*,
M^r^ *Jefferſon*,
For Captaines *Lawnes* Plantation
Cap^t^ *Chriſtopher Lawne*,
Enſigne *Waſher*.
For Captaine *Wardes* Plantation
Captaine *Warde*,
Lieutenant *Gibbes*.

The

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The moſt convenient place we could finde to ſitt in was the Quire of the Churche, Where Sir *George Yeardley* the Governour being ſett downe in his accuſtomed place, thoſe of the Counſel of Eſtate ſate nexte him on both handes excepte onely the Secretary then appointed Speaker, who ſate right before him; *John Twine* clerke of the General Aſſembly being placed nexte the Speaker and *Thomas Pierſe* the Sergeant ſtanding at the barre, to be ready for any ſervice the Aſſembly ſhould comand him. But for as muche as mens affaires doe little proſper where Gods ſervice is neglected; all the Burgeſſes took their places in the Quire, till a Prayer was ſaid by M^r^ *Bucke*, the Miniſter, that it would pleaſe God to guide us & ſanctifie all our proceedings to his owne glory, and the good of this Plantation, Prayer being ended, to the intente that as wee had begun at God Almighty ſoe wee might proceed w^th^ awful and due reſpecte towards his Lieutenant, our moſt gratious & dread Soveraigne, all the Burgeſſes were intreated to retyre themſelves into the body of the Churche; w^ch^ being done, before they were fully admitted, they were called in order & by name, & ſo every man (none ſtaggering at it) tooke the oathe of Supremacy, & then entered the Aſſembly, At Captaine *Warde* the Speaker tooke exception, as at one that without any Comiſſion or authority, had ſeatted himſelfe either upon the Companies, and then his Plantation could not be lawfull, or on Captaine *Martins* Lande, and ſo he was but a limbe or member of him, & ſo there could be but two Burgeſſes for all. So Captaine *Warde* was comanded to abſente himſelfe, till ſuch time as the Aſſembly had agreed what was fitt for him to doe. After muche debate they reſolved on this order following,

An order concluded by the General Aſſembly concerning Captaine *Warde* *July* 30^th^ 1619 at the opening of the ſaid Aſſembly.

At the reading of the names of the Burgeſſes Exception was taken ag^t^ Cap^t^ *Warde* as having planted here in *Virginia*, without any authority or comiſſion from the Treſurer Counſell & Company in *Englande*, But conſidering he had bene at ſo great chardge & paines to augmente this Colony, and had adventured his owne perſon in the action, and ſince that time had brought home a goode quantity of ſilke to relieve the Colony by waye of trade; and above all, becauſe the Comiſſion for authorizing the General Aſſembly admitteth of two Burgeſſes out of every plantation with out reſtrainte or exception, Upon all theſe conſiderations the Aſſembly was contented to admitt of him & his Lieutenant (as members of their body & Burgeſſes into their ſociety, provided that the ſaid Captaine *Warde*, w^th^ all expeidition, that is to ſaye, between this & the nexte genera Aſſembly (all lawful impediments excepted) ſhould procure from the Treſurer & Counſell & Company in *Englande* a comiſſion lawfully to eſtabliſhe & plant himſelfe & his Company, as the Chiefes of other Plantations have done, And in caſe he doe neglect this, he is to ſtande to the cenſure of the nexte Generall Aſſembly. To this Captaine *Warde*, in the preſence of us all, having given his conſente, and undertaken to performe the ſame, was together w^th^ his Lieu^t^, by the voices of the whole Aſſembly firſt admitted to take the oath of Supremacy & then to make up their number, & to ſitt amongſt them.

This being done, the Governour himſelfe alledged that before we proceeded any further, it behooved us to examine, whither it were fitt, that Captaine *Martins* Burgeſſes ſhoulde have any place in the Aſſembly, for as muche as he hath a clauſe in his Patente w^ch^ doth not onely exempte him from that equality & uniformity of Lawes & orders, w^ch^ the great charter faith, are to extende over the whole Colony, but alſo from diverſe ſuche lawes as we muſt be enforced to make in the general Aſſembly, That clauſe is as followeth, Item, That it ſhall and may be lawfull to & for the ſaid Cap^t^ *John Martin* his heyers, executours and aſſignes, to governe, & comaunde all ſuch perſon or perſons, as at this time he ſhall carry over with him, or that ſhall be ſente him hereafter, free from any comaunde of the Colony, excepte it be in ayding & aſſiſting the ſame ag^t^ any forren or domeſtical Enemy,

Upon

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Upon the Motion of the Governour, diſcuſſed the ſame time in the Aſſembly, enſued this order following

An Order of the General Aſſembly touching a clauſe in Captaine *Martins* Patente at *James Citty July* 30, 1619.

After all the Burgeſſes had taken the oath of ſupremacy, & were admitted into the Houſe, & all fett downe in their places, a copie of Captaine *Martins* Patente was produced by the Governour out of a Clauſe whereof it appeared, that when the general Aſſembly had made ſome kinde of lawes requiſite for the whole Colony, he and his Burgeſſes & people might deride the whole company & chuſe whether they would obey the ſame or no It was therefore ordered in Courte, that the foreſaid two Burgeſſes ſhould w^th^drawe themſelves out of the Aſſembly till ſuch time as Captaine *Martin* had made his perſonall appearance before them, At what time if upon their motion he woulde be contente to quitte & give over that parte of his Patente, and contrary therunto woulde ſubmitte himſelfe to the generall forme of governemente as all others did, that then his Burgeſſes ſhould be readmitted, otherwiſe they were utterly to be excluded, as being ſpies, rather than loyal Burgeſſes; becauſe they had offered themſelves to be aſſiſtant at the making of the Lawes, w^ch^ both themſelves, and thoſe whom they repreſented might chuſe whether they woulde obeye or not.

Then came in a complainte ag^t^ Captaine *Martin* that having ſente his Shallop to trade for corne into the baye under the coñaunde of Enſigne *Harriſon*, the ſaide Enſigne ſhoulde affirme to one *Thomas Davis*, of *Paſpaheighs*, Gent (as the ſaid *Thomas Davis* depoſed upon oathe) that they had made a harde voiage, had they not mett w^th^ a Canoa coming out of a creeke, where their Shallop could not goe, For the Indians refuſing to ſell their Corne, thoſe of the ſhallop entered the Canoa w^th^ their armes & tooke it by force, meaſuring out the corne w^th^ a baskett they had, into the ſhallop and (as the ſaid Enſigne *Harriſon* ſaith) given them ſatisfaction in Copper, Beades, and other trucking Stuffe, Hitherto M^r^ *Davys* upon his oath.

Further more it was ſignified from *Opochancano* to the Governour that theſe people had complaind to him to procure them iuſtice, For w^ch^ conſiderations & becauſe ſuche outrages as this might breed danger and loſſe of life to others of the Colony, w^ch^ ſhould have leave to trade in the Baye hereafter, & for prevention of the like violences ag^t^ the Indians in time to come, this order following was agreed on by the Generall Aſſembly:

A ſecond order made againſt Captaine *Martin*, at *James Citty*, *July* 30^th^ 1619.

It was alſo ordered by the Aſſembly the ſame daye, that in caſe Captaine *Martin* and the ging of his ſhallop could not throughly anſwere an accuſation of an outrage coñitted againſt a certaine Canoa of Indians in the Baye, that then it was thought reaſon (his Patente notw^th^ſtanding the authority whereof he had in that caſe abuſed) he ſhoulde from henceforth take leave of the Governor as other men, & ſhould putt in ſecurity, that his people ſhall coñitte no ſuch outrage any more

Upon this a letter or warrant was drawen in the name of the whole Aſſembly to ſumon Captaine *Martin* to appeare before them in forme following:

By the Govern^r^ and generall Aſſembly of *Virginia*.

Captaine *Martine*, we are to requeſt you upon ſight hereof, with all convenient ſpeed to repaire hither to *James Citty*, to treate & conferre w^th^ us about ſome matters of eſpiciale importance, w^ch^ concerne both us, and the whole Colony, & your ſelfe, And of this we pray you not to faile,

James Citty, *July* 30^th^ 1619.

To our very loving friend Capt^ne^ *John Martin* Eſquire, Maſter of the Ordinance.

Theſe obſtacles removed, the Speaker, who a long time had bene extreame ſickly, and therefore not able to paſſe through long harangues, delivered in briefe to the whole aſſembly the occaſions of their meeting, W^ch^ done, he read unto them the coñiſſion for eſtabliſhing the Counſell of Eſtate & the Generall Aſſembly, wherein their duties were deſcribed to the life,

Having

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Having thus prepared them, he read over unto them the greate Charter or comiſſion of priviledges, orders & lawes ſente by Sir *George Yeardly* out of *Englande* w^ch^ for the more eaſe of the Committees, having divided into fower books, he read the former two the ſame forenoon, for expeditions ſake, a ſecond time over, & ſo they were referred to the peruſall of twoe Comittees, w^ch^ did reciprocally conſider of either, & accordingly brought in their opinions, But ſome man may here objecte to what ende we ſhoulde preſume to refferre that to the examination of Committees, w^ch^ the Counſell & Company in *Englande* had already reſolved to be perfect & did expecte nothinge but our aſſente there unto. To this we anſwere, that we did it not to the ende to correcte or controll any thing therein contained, but onely in caſe we ſhould finde ought not perfectly ſquaring w^th^ the ſtate of this Colony, or any lawe w^ch^ did preſſe or binde too harde, that wee might by waye of humble petition ſeeke to have it redreſſed; eſpecially becauſe this great Charter is to binde us & our heyers for ever.

The names of the Comittees for peruſing the firſt booke of the fower:

1. Captain *William Powell*,
2. Enſigne *Roſingham*,
3. Captaine *Warde*,
4. Captaine *Tucker*,
5. M^r^ *Shelley*,
6. *Thomas Douſe*,
7. *Samuel Jordan*,
8. M^r^ *Boys*.

The names of the Comittees for peruſing the ſecond booke:

1. Captaine *Lawne*,
2. Captaine *Graves*,
3. Enſigne *Spence*,
4. *Samuel Sharpe*,
5. *William Cap*,
6. M^r^ *Pawlett*,
7. M^r^ *Jefferſon*,
8. M^r^ *Jackſon*.

Theſe Comittees thus appointed, we brake up the firſt forenoons Aſſembly.

After dinner the Governo^r^ and thoſe that were not of the Comittees ſate a ſeconde time, while the ſaid Comittees were employed in the peruſall of thoſe twoe bookes. And whereas the Speaker had propounded fower ſeverall objects for the Aſſembly to conſider on namely firſt, the great charter of orders, lawes & priviledges, Secondly which of the inſtructions given by the Counſell in *England* to my Lord *le Warre*, Captaine *Argall* or Sir *George Yeardley*, might conveniently putt on the habite of Lawes; Thirdly what Lawes might iſſue out of the private conceipte of any of the Burgeſſes, or any other of the Colony; & laſtly what petitions were fitt to be ſente home for *Englande* It pleaſed the Governo^r^ for expeditions ſake to have the ſecond objecte of the fower to be examined & prepared by himſelfe and the non Comittee. Wherein after having ſpente ſome three houres conference, the twoe Comittees brought in their opinions concerning the twoe former bookes (the ſecond of w^ch^ beginneth at theſe wordes of the Charter.) And forаſmuche as our intente is to eſtabliſh one equall & uniforme kinde of government over all *Virginia* &c) w^ch^ the whole Aſſembly, becauſe it was late deferred to treatt of till the next morning.

Satturday July 31.

THE nexte daye therefore out of the opinions of the ſaid Comittees, it was agreed, thoſe Petitions enſuing ſhould be framed, to be preſented to the Treaſurer Counſel & Company in *England*. Upon the Comittees peruſall of the firſt Book, the Generall Aſſembly, doe become moſt humble ſuitours to their lo^pps^ and to the reſt of that hon^ble^ Counſell and renowned Company, that albeit they have bene pleas'd to allotte unto the Govern^r^ to themſelves together w^th^ the Counſell of Eſtate here, & to the Officers of Incorporations, certain large portions of lande to be layde out w^th^in the limites of the ſame, yet that they would vouchſafe alſo, that ſuch groundes as heretofore had bene granted by patent to the antient Planters by former Governours, that had from the Company received Comiſſion ſo to doe, might not nowe, after ſo muche labour & coſte, & ſo many yeares habitation be taken from them. And

to

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to the ende that no man might doe or ſuffer any wrong in this kinde, that they woulde favour us ſo muche (if they meane to graunte this our petition) as to ſende us notice, what comiſſion or authority for graunting of landes they have given to eache particular Governour in times paſte.

The ſeconde petition of the General Aſſembly framed by the Comittees out of the ſecond booke is, that the Treſurer & Company in *England* would be pleaſed w^th^ as muche convenient ſpeede as may bee to ſende men hither to occupie their landes belonging to the fower Incorporations, as well for their owne behoofe and proffitt as for the maintenance of the Counſel of Eſtate, who are nowe to their extream hindrance often drawen far from their private buſines, & likewiſe that they will have a care to ſende tenants to the miniſters of the fower Incorporations to manure their gleab, to the intente that the allowance they have allotted them of 200 li. a yeare may the more eaſily be raiſed.

The thirde Petition humbly preſented by this General Aſſembly to the Treaſurer, Counſell & Comp^y^ is, that it may plainely be expreſſed in the great Comiſſion (as indeed it is not) that the antient Planters of both ſortes, *viz.*, ſuche as before Sir *Thomas Dale*s departure were come hither upon their owne charges, and ſuche alſo as were brought hether upon the Companies coſte, maye have their ſecond, third, & more diviſions ſucceſſively in as lardge and free manner as any other Planters. Alſo that they will be pleaſed to allowe to the male children, of them & of all others begotten in *Virginia*, being the onely hope of a Poſterity, a ſingle ſhare a piece, and ſhares for their wives as for themſelves, becauſe that in a newe plantation it is not knowen whether man or woman be the moſt neceſſary.

Their fourth Petition is to beſeech the Treaſurer Counſell & Company that they would be pleaſed to appoint a Sub-Treſurer here to collecte their rentes, to the ende that the Inhabitants of this Colony be not tyed to an impoſſibility of paying the ſame yearly to the Treaſurer in *England*, & that they would enjoine the ſaid Sub Treaſurer not precifely according to the Letter of the Charter to exacte mony of us (whereof we have none at all, as we have no minte) but the true value of the rente in comodity.

The fifte Petition is to beſeeche the Treaſurer the Counſell & Company, that towards the erecting of the Univerſity and Colledge, they will ſende, when they ſhall thinke moſt convenient, workmen of all ſortes fitt for that purpoſe.

The ſixte and laſte is, that they will be pleaſed to change the ſavage name of *Kiccowtan*, & to give that Incorporation a newe name.

Theſe are the ſeveral Petitions drawen by the Comittees out of the two former bookes w^ch^ the whole general Aſſembly in maner & forme above ſett downe doe moſt humbly offer up and preſent to the favourable conſtruction of the Treaſurer Counſell & Company in *England*,

Theſe petitions thus concluded on, thoſe twoe Comittees broughte in a reporte, what they had obſerved in the two latter bookes, w^ch^ was nothing elſe, but that the perfection of them was ſuche as they could finde nothing therein ſubject to exception. Only the Govern^rs^ particular opinion to my ſelfe in private hathe bene, as touching a clauſe in the thirde booke, that in theſe doubtfull times between us and the Indians, it would behoove us not to make ſo lardge diſtances between Plantation & Plantation as ten miles but for our more ſtrength & ſecurity to drawe nearer together.

At the ſame time, there remaining no farther ſcruple in the mindes of the Aſſembly touching the ſaid great Charter of Lawes orders and priviledges, the Speaker putt the ſame to the queſtion, & ſo it had both the general aſſent & the applauſe of the whole Aſſembly; who as they profeſſed themſelves in the firſt place moſt ſubmiſſively thankfull to Almighty God therefore, ſo they commaunded the Speaker to returne (as nowe he doth) their due and humble thankes to the Treaſurer, Counſell & Company for ſo many privilidges & favours as well in their owne names, as in the names of the whole Colony whom they reprefented.

This being diſpatched, we fell once more to debating of ſuche inſtructions given by the Counſell in *England* to ſeveral Gover^nrs^ as might be converted into lawes, the laſt whereof

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whereof was the eſtabliſhment of the price of Tobacco, namely of the beſt at 3s and of the ſecond at 18d the pounde. At the reading of this the Aſſembly thought good to ſend for M^r^ *Abraham Perſey*, the Cape[1] Marchant to publiſhe this inſtruction to him, & to demande of him if he knewe any impediment why it might not be admitted of. His anſwere was that he had not as yet received any ſuche order from the Adventurers of the Magazin in *England*, And not w^thſtanding he ſawe the authority was good, yet he was unwilling to yield, till ſuche time as the Gov^r^ & Aſſembly had layd their comandment upon him, out of the authority of the foreſaid Inſtructions as followeth:

By the General Aſſembly

We will & require you, M^r^ *Abraham Perſey*, Cape Marchant, from this daye forwarde to take notice, that according to an article in the Inſtructions confirmed by the Treaſurer, Counſell & Company in *Englande* at a General quarter Courte, bothe by voices and under their handes & the Comon ſeale, and given to Sir *George Yeardley*, Knight, this preſent governour, *Dec^r^* 1, 1618, that you are bounde to accepte of the Tobacco of the Colony, either for commodities or upon bills at three ſhillings the beſt, & the ſecond ſorte at 18d the pounde, and this ſhall be your ſufficient diſchardge.

James Citty out of the ſaid General Aſſembly *July* 31, 1619.

At the ſame time the Inſtructions convertible into Lawes were referred to the conſideration of the above named Committees, *viz.*, the general Inſtructions to the firſt Committee and the particular Inſtructions to the ſecond, to be returned by them into the Aſſembly on *Munday* Morning.

Sunday Aug. 1

MR. *SHELLEY* one of the Burgeſſes deceaſſed.

Monday Aug. 2

CAPTAINE *John Martin* (according to the ſumons ſent him on *Friday, July*, 30.) made his perſonall appearance at the barre, when as the Speaker having, firſt read unto him the orders of the Aſſembly that concerned him, he pleaded lardgely for himſelf to them both, & indevoured to anſwere ſome other thinges that were objected ag^t^ his Patente, In fine being demanded out of the former order, whether he would quitte that clauſe of his Patent, w^ch^ (quite otherwiſe then Sir *William Throckmortons*, Captain *Chriſtopher Lawnes*, and other mens patentes) exempteth himſelfe & his people from all ſervices of the Colonie, excepte onely in caſe of warre ag^t^ a forren or domeſticall eneme. His anſwere was negative, that he would not infringe any parte of his Patente. Whereupon it was reſolved by the Aſſembly, that his Burgeſſes ſhould have no admittance.

To the ſecond order his anſwere was affirmative, namely, that (his Patente notwithſtanding) whenſoever he ſhould ſende into the Baye, to trade, he woulde be contente to putt in ſecurity to the Governour for the good behaviour of his people towardes the Indians.

It was at the ſame time further ordered by the Aſſembly that the Speaker in their names ſhould (as he nowe doe) humbly demande of the Treaſurer Counſell and Company an expoſition of this one clauſe in Captaine *Martins* Patente, namely where it is ſaid, That he is to enjoye his landes in as lardge & ample a manner to all intentes & purpoſes, as any Lord of any manours in *England* doth holde his grounde, out of w^ch^ ſome have collected

[1] The cape merchant, or cap-merchant (that is, head merchant), was the officer in charge of the company's ſupplies.

collected, that he might by the ſame graunte protecte men, from paying their debtes, and from diverſe other dangers of Lawe, The leaſt the Aſſembly can alledge againſt this clauſe is, that it is obſcure, & that it is a thing impoſſible for us here to know the Prerogatives of all the Manours in *Englande*. The Aſſembly therefore humbly beſeecheth their Lop^s^ & the reſt of the Hon^ble^ boarde, that in caſe they ſhall finde any thing in this or in any other parte of his graunte, whereby that clauſe towardes the concluſion of the great charter (*viz* that all grauntes as well of the one ſorte as of the other reſpectively, be made w^th^ equall favour & graunts of like liberties & immunities as neer as may be, to the ende that all complainte of partiality and unindifferency may be avoided) might in any ſorte be contradicted; or the uniformity and equality of lawes & orders extending over the whole Colony might be impeached; That they would be pleaſed to remove any ſuch hinderance, as may diverte out of the true courſe the free & publique current of Juſtice.

Upon the ſame grounde & reaſon their L^ops^ together with the reſt of the Counſell & Company, are humbly beſought by the Generale Aſſembly, that if in that other clauſe w^ch^ exempteth Captaine *Martin* & his people from all ſervices of the Colony &c they ſhall finde any reſiſtance ag^tt^ that equality and uniformity of Lawes & orders intended nowe by them to be eſtabliſhed over the whole Colony, that they would be pleaſed to reforme it.

In fine, whereas Captaine *Martin* for thoſe ten ſhares allowed him for his perſonal adventure, & for his adventure of 70^li^ befides doth claime 500 acres a ſhare: that the Treaſurer, Counſell & Company woulde vouchſafe to give notice to the Governour here, what kinde of ſhares they meante he ſhould have, when they gave him his Patente.

The premiſſes about Captaine *Martin* thus reſolved the Committie appointed to conſider, what inſtructions are fitt to be converted into Lawes, brought in their opinions, & firſt of ſome of the general inſtructions.

Here begin the lawes drawen out of the Inſtructions given by his Mat^tes^ Counſell of *Virginia* in *England* to My Lo: *La warre*, Captaine *Argall*, & Sir *George Yeardly*, knight.

By this preſent General Aſſembly be it enacted that noe injury or oppreſſion be wrought by the *Engliſh* ag^tt^ the Indians whereby the preſent peace might be diſturbed, & antient quarrels might be revived. And farther be it ordained that the *Chicohomini* are not to be excepted out of this Lawe, untill either that ſuch order come out of *Englande*, or that they doe provoke us by ſome newe injury

Againſt Idleneſs, gaming, drunkennes, & exceſſe in apparel, the Aſſembly hath enacted as followeth

Firſt in deteſtation of Idlers, be it enacted, that if any man be founde, to live as an Idler or runegate though a freed man, it ſhall be lawfull for that Incorporation or Plantation to w^ch^ he belongeth to appoint him a M^r^ to ſerve for wages till he ſhewe apparant ſignes of amendment.

Againſt gaming at Dice & Cardes be it ordained by this preſent Aſſembly, that the winner or winners ſhall loſe all his or their winnings & both winners & looſers ſhall forfaite ten ſhillings a man, one ten ſhillinges whereof to goe to the diſcoverer, & the reſt to charitable & pious uſes in the Incorporation where the faults are committed.

Againſt drunkenes be it alſo decreed, that if any private perſon be found culpable thereof, for the firſt time he is to be reprooved privately by the Miniſter, the ſecond time, publiquely, the Thirde time to lye in boltes 12 houres in the Houſe of the Provoſt Marſhall & to paye his fees, and if he ſtill continue in that vice, to undergo ſuche ſevere puniſhment, as the Governo^r^ & Councell of Eſtate ſhall think fitt to be inflicted on him. But if any Officer offende in this crime, the firſt time he ſhall receive a reproof from the Governour, the ſecond time he ſhall openly be reprooved in the Churche by the miniſter, & the third time he ſhall firſt be committed & then degraded. Provided it be underſtood, that the Govern^r^ hath alwaies power to reſtore him, when he ſhall, in his diſcretion thinke fitte

Againſt

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Againſt exceſſe of apparell, that every man be ceſſed in the Churche for all publique contributions, if he be unmarried according to his owne apparrell, if he be married, according to his owne & his wives, or either of their apparell.

As touching the Inſtruction of drawing ſome of the better diſpoſed of the Indians to converſe w^th^ our people & to live & labour among them, the Aſſembly who know well their diſpoſitions, thinke it fitte to enjoine, at leaſt to counſell thoſe of the Colony neither utterly to rejecte them, nor yet to drawe them to come in. But in caſe they will of themſelves come voluntarily to places well peopled there to doe ſervice, in killing of Deere, Fiſhing, beatting Corne, & other workes that then five or ſixe may be admitted into every ſuch place, and no more, & that w^th^ the conſente of the Governour, provided that good guard in the night be kept upon them, for generally (though ſome amongſt many may proove good) they are a moſt trecherous people, & quickly gone when they have done a villany. And it were fitt, a houſe were builte for them to lodge in apart by themſelves, and lone inhabitants by no meanes to entertaine them.

Be it enacted by this preſent aſſembly, that for laying a ſurer foundation of the converſion of the Indians to Chriſtian Religion, eache towne, citty Borrough, & particular plantation do obtaine unto themſelves by juſt meanes a certaine number of the natives Children to be educated by them in true Religion & civile courſe of life. Of w^ch^ children the moſt towardly boyes in witt & graces of nature to be brought up by them in the firſte Elements of litterature, ſo as to be fitted for the Colledge intended for them, that from thence they may be ſent to that worke of converſion.

As touching the buſines of planting corne, this preſent Aſſembly doth ordaine, that yeare by yeare, all & every houſeholder and houſeholders, have in ſtore for every ſervant he or they ſhall keep, & alſo for his or their owne perſons, whether they have any Servants or no, one ſpare barrell of corne to be delivered out yearly either upon ſale or exchange, as need ſhall require. For the neglect of w^ch^ duty he ſhall be Subject to the cenſure of the Govern^r^ & Councell of Eſtate, provided alwayes, that for the firſt yeare of every newe man this Lawe ſhall not be in force.

About the Plantation of Mulberry trees be it enacted that every man, as he is ſeated upon his diviſion, doe for ſeven yeares together every yeare plante & maintaine in growth ſixe Mulberry trees at the leaſte and as many more as he ſhall thinke conveniente, & as his virtue & induſtry ſhall moove him to plante, and that all ſuch perſons as ſhall neglect the yearly planting & maintaining of that ſmall proportion, ſhall be Subjecte to the cenſure of the Governour, & the Councell of Eſtate

Be it farther enacted, as concerning ſilke-flaxe that thoſe men that are upon their diviſion or ſettled habitation doe this next yeare plante & Dreſſe 100 plantes w^ch^ being founde a comodity may farther be encreaſed. And whoſoever do faile in the performance of this ſhall be ſubject to the puniſhment of the Governour & Councell of Eſtate.

For hempe alſo both *Engliſhe* & Indian, & for *Engliſhe* Flaxe & Anniſeeds, wee doe require & enjoine all houſeholders of this Colony, that have any of thoſe ſeeds, to make tryal thereof the nexte ſeaſon.

Moreover be it enacted by this preſent Aſſembly, that every houſeholder doe yearly plante & maintaine ten vines, untill they have attained to the arte & experience of dreſſing a vineyard, either by their owne induſtry, or by the inſtruction of ſome Vigneron. And that upon what penalty ſoever, the Governo^r^ & Councell of Eſtate ſhall think fitt to impoſe upon the neglecters of this Acte.

Be it alſo enacted, that all neceſſary tradeſmen, or ſoe many as need ſhall require, ſuche as are come over ſince the departure of Sir *Thomas Dale*, or that ſhall hereafter come ſhall worke at their trades for any other man, eache one being payde according to the qualitye of his trade & worke, to be eſtimated, if he ſhall not be contented, by the Governo^r^ & Officers of the place where he worketh.

Be it further ordained by this General Aſſembly and wee doe by theſe Preſents enacte, that all contracts made in *England* betweene the owners of lande & their Tenants and

and Servantes w^ch^ they ſhall ſend hither, may bee cauſed to be duly performed, and that the offenders be puniſhed as the Gover^nr^ & Councell of Eſtate ſhall think juſt & convenient.

Be it eſtabliſhed alſo by this preſent Aſſembly, that no crafty or advantageous meanes be ſufferd to be putt in practice for the inticing awaye the Tenants & Servants of any particular plantation from the place where they are Seatted. And that it ſhall be the duty of the Governo^r^ & Councell of Eſtate moſt ſeverely to puniſhe bothe the ſeducers & the ſeduced, and to returne theſe latter into their former places.

Be it further enacted, that the orders for the Magazine lately made be exactly kepte, & that the Magazine be preſerved from wronge & finiſter practiſes, & that according to the orders of Courte in *Englande*, all Tobacco & Saſſafras be brought by the planters to the Cape Marchant till ſuche time as all the goods nowe or heretofore ſent for the Magazine be taken off their handes at the prices agreed on, that by this meanes the ſame going for *Englande* into one hande, the price thereof, may be upheld the better. And to the ende that all the whole Colony may take notice of the laſt order of Courte made in *Englande*, & all thoſe whom it concerneth may know how to obſerve it wee holde it fitt to publiſhe it here for a Lawe among the reſt of our Lawes, the w^ch^ order is as followeth.

Upon the 26 of *October* 1618, it was ordered that the Magazine ſhould continue during the terme formerly prefixed, & that certaine abuſes nowe complained of ſhould be reformed; and that for preventing of all impoſitions, ſave the allowance of 25 in the hundred proffitt the Governo^r^ ſhall have an invoice as well as the Cape Marchant, that if any abuſe in the ſale of the goods be offered, hee upon intelligence & due examination thereof ſhall ſee it corrected. And for the encouragement of particular hundreds, as *Smyths* Hundred, *Martins* Hundred, *Lawnes* Hundred, & the like, it is agreed, that what comodities are reaped upon anie of theſe Severall Colonies, it ſhall be lawfull for them to return the ſame to their owne Adventurers. Provided that the ſame comodity be of their owne growing, w^th^out trading w^th^ any other, in one entyre lumpe, & not diſperſed, & that at the determination of the jointe ſtocke the goods then remaining in the Magazine ſhall be bought by the ſaid particular Colonies before any other goods w^ch^ ſhall be ſente by private men. And it is moreover ordered, that if the Lady *La warre*, the Lady *Dale*, Captain *Bargrave*, & the reſt, would unite themſelves into a ſettled Colony, they might be capable of the ſame priviledges that are graunted to any of the foreſaid Hundreds. Hitherto the Order.

All the general Aſſembly by voices concluded not only the acceptance & obſervation of this Order, but of the Inſtruction alſo to Sir *George Yeardley* next preceding the ſame. Provided firſt that the Cape Marchant do accept of the Tobacco of all and everie the Planters here in *Virginia*, either for goods or upon Bills of Exchange at three ſhillings the pounde the beſte, & 18d the ſeconde ſorte. Provided alſo that the billes be duly payde in *Englande*. Provided in the third place, that if any other beſides the Magazine have at any time any neceſſary comodity w^ch^ the Magazine doth wante, it ſhall & may be lawfull for any of the Colony to buy the ſaid neceſſary Comodity of the ſaid party, but upon the termes of the Magazine *viz* allowing no more gaine then 25 in the Hundred, & that with the leave of the Governour, Provided laſtly, that it may be lawfull for the Govern^r^ to give leave to any Mariner, or any other perſon that ſhall have any ſuche neceſſary comodity wanting to the Magazine, to carrie home for *England* ſo much Tobacco or other naturall comodities of the Country, as his Cuſtomers ſhall pay him for the ſaid neceſſary comodity or comodities. And to the ende we may not onely, perſuade & incite men, but inforce them alſo thoroughly & loyally to cure their Tobacco before they bring it to the Magazine, be it enacted, and by theſe preſents we doe enacte, that if upon the judgment of fower ſufficient men of any incorporation where the Magazine ſhall reſide (having firſt taken their oaths to give true ſentence, twoe whereof to be choſen by the Cape Marchant, & twoe by the Incorporation) any Tobacco whatſoever ſhall not proove vendible at the ſecond price, that it ſhall there immediately be burnt before the owners face. Hitherto ſuche Lawes as were drawen out of the Inſtructions.

Tueſday,

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Tueſday Aug. 3, 1619.

THIS Morning a thirde ſorte of Lawes (ſuche as might proceed out of every mans private conceit) were read & refferred by halves to the ſame comittees w^ch^ were from the beginning.

This done Captaine *William Powell* preſented to the aſſembly a petition, to have juſtice againſt a lewd and trecherous ſervant of his, who by falſe accuſation given up in writing to the Governour ſought not onely to get him depoſed from his government of *James Citty*, and utterly (according to the Proclamation) to be degraded from the Place & title of a Captaine, but to take his life from him alſo. And ſo out of the ſaid Petition ſprang this order following

Captaine *William Powell* preſented a petition to the General Aſſembly againſt one *Thomas Garnett* a ſervant of his not onely for extream neglect of his buſines, to the great loſs & prejudice of the ſaid Captaine, and for openly and impudently abuſing his Houſe, in ſight both of Maſter and Miſtreſſe, through wantonnes w^th^ a woman ſervant of theirs, a widdowe, but alſo for falſely accuſing him to the Governo^ur^ both of Drunkennes, & Theſte, & beſides for bringing his fellow ſervants to teſtifie on his ſide, wherein they juſtly failed him. It was thought fitt by the General Aſſembly (the Governour himſelf giving ſentence) that he ſhould ſtand fower dayes with his eares nayled to the Pillory, *viz Wedneſday Aug.* 4^th^ and ſo likewiſe *Thurſday, fryday,* & *Satturday* next following, & every of thoſe fower days ſhould be publiquely whipped. Now as touching the neglecte of his worke, what ſatisfaction ought to be made to his M^r^ for that, is referred to the Governour & Councell of Eſtate.

The ſame morning the lawes above written drawen out of the Inſtructions were read, & one by one thoroughly examined, & then paſſed once again the general conſente of the whole aſſembly.

This Afternoon the committies brought in a reporte, what they had done as concerning the third ſorte of Lawes, the diſcuſſing whereof ſpente the reſidue of that daye. Excepte onely the conſideration of a Petition of M^r^ *John Rolfes* againſt Cap^t^ *John Martin* for writing a Letter to him wherein (as M^r^ *Rolfe* alledgeth) he taxeth him both unſeemly and amiſſe of certaine things wherein he was never faulty, and beſides caſteth ſome aſperſion upon the preſent government, w^ch^ is the moſt temperate & juſt that ever was in this country, too milde indeed for many in this Colony, whom unwonted liberty hath made inſolente, and not to know themſelves. This Petition of M^r^ *Rolfes* was thought fitt to be referred to the Councell of State.

Wedneſday Aug. 4^th^

THIS daye (by reaſon of extream heat both paſte, and likely to enſue, & by that meanes, of the alteration of the healthes of diverſe of the General Aſſembly) the Governour who himſelfe alſo was not well, reſolved ſhould be the laſt of this firſt Seſſion, So in the Morning the Speaker (as he was required by the Aſſembly) redd over all the Lawes and orders that had formerly paſſed the Houſe, to give the ſame yett one review more & to ſee, whether there were any thing to be amended, or that might be excepted againſte, this being done, the third ſorte of Lawes, w^ch^ I am nowe coming to ſett downe, were read over & thoroughly diſcuſſed, w^ch^ together w^th^ the former did now paſſe the laſte and finall conſente of the General Aſſembly.

A third ſorte of Lawes ſuche as may iſſue out of
every mans private conceipt

It ſhall be free for every man to trade w^th^ the Indians Servants onely excepted, upon paine of whipping unleſs the M^r^ redeeme it off w^th^ the payment of an Angell, one fourthe parte whereof to go to the Provoſt Marſhall, one fourth parte to the diſcoverer, & the other moyty to the publique uſes of the Incorporation where he dwelleth

That

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That no man do ſell or give any Indians any piece ſhott, or poulder, or any other armes offenſive or defenſive, upon paine of being held a Traytour to the Colony, & of being hanged, as ſoon as the fact is proved, w^th^out all redemption.

That no man do ſell or give any of the greater howes to the Indians, or any *Engliſh* dog of quality, as a Maſtive, Greyhound, Blood hounde lande, or water Spaniel, or any other dog or bitche whatſoever, of the *Engliſh* race, upon paine of forfaiting 5 ll *ſterling* to the publique uſes of the Incorporation where he dwelleth.

That no man may go above twenty miles from his dwelling place, nor upon any voiage what ſoever ſhall be abſent from thence for the ſpace of ſeven dayes together, w^th^out firſt having made the Governo^r^ or comander of the ſame place acquainted therewith upon paine of paying twenty ſhillinges to the publique uſes of the ſame Incorporation, where the party delinquent dwelleth.

That no man ſhall purpoſely goe to any Indian townes, habitations, or places of reſort, w^th^out leave from the Gover^r^ or comander of that place where he liveth upon paine of paying 40^s^ to publique uſes as aforeſaid.

That no man living in this Colony, but ſhall between this and the firſt of *January* nexte enſuing come or ſende to the Secretary of State, to enter his own & all his ſervants names, & for what terme, or upon what conditions they are to ſerve, upon penalty of paying 40^s^ to the ſaid Secretary of State. Alſo whatſoever M^rs^ or people doe come over to this plantation, that within one month of their arrivall (notice being firſt given them of this very Lawe,) they ſhall likewiſe reſorte to the Secretary of State & ſhall Certifie him upon what termes or conditions they be come hither, to the ende that he may recorde their grauntes and comiſſions, and for how long time and upon what conditions their ſervants (in caſe they have any) are to ſerve them, and that upon paine of the penalty nexte above mentioned.

All Miniſters in the Colony ſhall once a year namely in the moneth of *Marche*, bring to the Secretary of Eſtate a true account of all the Chriſtenings, burials, & marriages, upon paine, if they faile, to be cenſured for their negligence by the Governour & Councell of Eſtate Likewiſe where there be no miniſters, that the comanders of the place doe ſupply the ſame duty.

No man w^th^out leave from the Governour ſhall kill any Neat cattle whatſoever, young or olde, eſpecially kine, Heyfurs or Cowcalves, & ſhall be carefull to preſerve their Steers & Oxen, & to bring them to the plough & ſuch profittable uſes, & w^th^out having obtained leave as aforeſaid ſhall not kill them upon penalty of forfaiting the value of the Beaſt ſo killed.

Whoſoever ſhall take any of his neighbours boates, oares, or canoas w^th^out leave from the owner ſhall be helde and eſteemed as a felon and ſo proceeded againſt; alſo hee that ſhall take away by violence or ſtealth any canoas or other thinges from the Indians ſhall make valuable reſtitution to the ſaid Indians, and ſhall forfaiet, if he be a free-holder, five pound; if a ſervant 40^s^, or endure a whipping: and anything under the value of 13^d^ ſhall be accounted Petty larceny.

All miniſters ſhall duely read divine ſervice, and exerciſe their miniſterial function according to the Eccleſiaſticall Lawes and orders of the church of *Englande*, and every *Sunday* in the afternoon ſhall Catechize ſuche as are not yet ripe to come to the Comunion. And whoſoever of them ſhall be found negligent or faulty in this kinde ſhall be ſubject to the cenſure of the Govern^r^ and Councell of Eſtate

The Miniſters and Churchwardens ſhall ſeeke to prevente all ungodly diſorders; the comitters whereof if, upon goode admonitions and milde reproofe they will not forbeare the ſaid skandalous offences, as ſuſpicions of whoredoms, diſhoneſt company keeping with weomen and ſuch like, they are to be preſented and puniſhed accordingly.

If any perſon after two warnings, doe not amende his or her life in point of evident ſuſpicion of Incontinency or of the comiſſion of any other enormous ſinnes, that then he or ſhee be preſented by the Churchwardens and ſuſpended for a time from the churche by the miniſter. In w^ch^ Interim if the ſame perſon do not amende and humbly ſubmitt him

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him or herſelfe to the churche, he is then fully to be excomunicate and ſoon after a writt or warrant to be ſente from the Govern^{r} for the apprehending of his perſon & ſeizing all his goods. Provided alwayes, that all the miniſters doe meet once a quarter, namely, at the feaſt of S^{t} *Michael* the Arkangell, of the nativity of our Saviour, of the Annuntiation of the bleſſed Virgine, and about midſomer, at *James Citty* or any other place where the Gover^{nr} ſhall reſide, to determine whom it is fitt to excomunicate, and that they firſt preſente their opinion to the Governour ere they proceed to the acte of excomunication

. For Reformation of ſwearing, evry freeman and M^{r} of a family after thrice admonition ſhall give 5^{s} or the value upon preſente demande, to the uſe of the churche where he dwelleth: and every ſervant after the like admonition, excepte his M^{r} diſcharge the fine, ſhall be ſubject to whipping. Provided, that the payment of the fine notwthſtanding, the ſaid ſervant ſhall acknowledge his faulte publiquely in the Church.

No man whatſoever coming by water from above, as from *Henrico*, *Charles citty*, or any place from the weſtwarde of *James Citty*, & being bound for *Kiccowtan* or any other parte on this ſide of the ſame, ſhall preſume to paſs by either by day or by night wthout touching firſte here at *James Citty*, to know whether the Governour will comande him any ſervice. And the like ſhall they performe that come from *Kiccowtan* ward, or from any place between this & that to go upwarde; upon paine of forfaiting ten pound *Sterling* a time to the Governor. Provided that if a ſervant having had inſtructions from his Maſter to obſerve his Service doe notwthſtanding tranſgreſſe the ſame that then the ſaid ſervant ſhall be puniſhed at the Gover^{nrs} diſcretion otherwiſe that the Maſter himſelf ſhall undergo the foreſaid penalty.

No man ſhall trade into the Baye either in Shallop pinnace, or ſhip wthout the Governours Licenſe, and wthout putting in ſecurity, that neither himſelfe, nor his Company ſhall force or wrong the Indians, upon paine that doing otherwiſe they ſhall be cenſured at their returne by the Governour & Counſell of Eſtate.

All perſons whatſoever upon Sabaoth days ſhall frequente divine ſervice & ſermons both forenoon and afternoone; & all ſuche as beare armes, ſhall bring their pieces, Swordes, poulder, & ſhotte. And Every one that ſhall tranſgreſſe this Lawe, ſhall forfaiet three ſhillinges a time to the uſe of the Churche, all lawful & neceſſary impediments excepted. But if a ſervant in this caſe ſhall wilfully neglecte his M^{rs} comande he ſhall ſuffer bodily puniſhmente.

No maide or woman ſervant, either now reſident in the Colonie, or hereafter to come, ſhall contract herſelfe in marriage wthout either the conſente of her parents or her M^{r} or M^{rs}, or of the magiſtrate & Miniſter of the place both together. And whatſoever Miniſter ſhall marry or contracte any ſuche perſons wthout ſome of the foreſaid conſentes ſhall be ſubjecte to the fevere cenſure of the Gover^{nr} & Counſell of Eſtate.

Be it enacted by the preſent aſſembly, that whatſoever ſervant hath heretofore, or ſhall hereafter contracte himſelfe in *Englande*, either by way of Indenture or otherwiſe, to ſerve any Maſter here in *Virginia*, and ſhall afterward, againſt his ſaid former contracte, depart from his M^{r} wthout leave, or being once imbarked, ſhall abandon the ſhip he is appointed to come in, & ſo being lefte behinde, ſhall put himſelfe into the ſervice of any other man that will bring him hither; that then at the ſame ſervants arrival here, he ſhall firſt ſerve out his time, with that M^{r} that brought him hither and afterward alſo ſhall ſerve out his time wth his former Maſter according to his covenant.

Here ende the Lawes.

All theſe lawes being thus concluded & conſented to, as aforeſaide Captaine *Henry Spelman* was called to the Barre, to anſwer to certaine miſdemeano^{rs} layde to his chardge by *Robert Poole* interpretour, upon his Oath (whoſe examination the Gover^{nr} ſente into *Englande* in the *Proſperus*) of w^{ch} accuſations of *Poole* ſome he acknowledged for true, but the greateſt part he denyed. Whereupon the General Aſſembly having throughly heard, & conſidered his ſpeeches, did conſtitute this order following againſt him,

Aug.

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Aug. 4th 1619

This day Captaine *Henry Spelman* was convented before the General Aſſembly, & was examined by a relation upon oath of one *Robert Poole* Interpreter what conference had paſſed between the ſaid *Spelman* & *Opochancano* at *Pooles* meeting with him in *Opochancanos* courte. *Poole* chardgeth him, he ſpake very unreverently & maliciouſly agt this preſent Governr wherby the honour & dignity of his place & perſon, & ſo of the whole Colonie, might be brought into Contempte, by wch meanes what miſchiefs might enſue from the Indians by diſturbance of the Peace or otherwiſe, may eaſily be conjectured. Some things of this relation *Spelman* confeſſed, but the moſt parte he denyed, excepte onely one matter of importance, & that was, that he hade informed *Opochancano*, that wthin a yeare there would come a Governour greatter than this that nowe is in place. By wch & by other reportes, it ſeemeth he hath alienated the minde of *Opochancano* from this preſent Governour, & brought him in much diſeſteem both wth *Opochancano* & the Indians, & the whole Colony in danger of their Slippery deſignes.

The general aſſembly upon *Pooles* teſtimony onely not willing to putt *Spelman* to the rigour & extremity of the Lawe, wch might perhaps, both ſpeedily & deſervedly have taken his life from him (upon the witneſs of one whom he muche excepted agt) were pleaſed for the preſent to cenſure him rather out of that his confeſſion above written, then out of any other prooffe. Several & ſharpe puniſhments were pronounced agt him by diverſe of the Aſſembly. But in fine the whole courte by voices united did encline to the moſt favourable, wch was that for this miſdemeanour he ſhould firſt be degraded of his title of Capt, at the head of the Troupe, & ſhould be condemnd to performe ſeven yeares ſervice to the Colony, in the nature of an Interpreter to the Governour.

This ſentence being read to *Spelman* he as one that had in him more of the Savage then of the Chriſtian, muttered certaine wordes to himſelfe, neither ſhewing any remorſe for his offences, nor yet any thankfulneſs to the Aſſembly for theire ſo favourable cenſure, wch he at one time or another (Gods grace not wholly abandoning him) might wth ſome one ſervice have been able to have redeemed.[1]

This day alſo did the Inhabitants of *Paſpaheigh* alias *Argalls Towne*, preſent a petition to the General Aſſembly to give them an abſolute diſchardge from certaine Bondes wherein they ſtand bound to Captaine *Samuell Argall* for the payment of 600li & to Captaine *William Powell* at Captaines *Argalls* appointment, for the payment of 50li more To Captaine *Argall* for 15 Skore acres of woody ground called by the name of *Argalls Towne* or *Paſpaheigh;* to Captaine *Powell* in reſpect of his paines in clearing the grounde, & building the houſes for wch Captaine *Argall* ought to have given him ſatisfaction. Now, the general Aſſembly being doubtful whether they have any power & authority to diſchardge the ſaid bondes, doe by theſe preſents (at the Inſtance of the ſaid Inhabitants of *Paſpaheighs*, alias *Martins* hundred people) become moſt humble ſutours to the Treaſurer, Counſell & Company in *England* that they will be pleaſed to gett the ſaid bondes for 600li to be cancelled; for aſmuch as in their great conſiſſion they have expreſſly & by name appointed that place of *Paſpaheigh* for parte of the Governours Lande. And wheras Captain *William Powell* is payde his 50li wch Captaine *Argall* enjoined the ſaide Inhabitantes to preſente him with, as parte of the bargaine, the general aſſembly at their intreaty do become ſutours on their behalfe, that Capt *Argall*, by the Counſell & Company in *Englande* may be compelled either to reſtore the ſaid 50li from thence, or elſe that reſtitution thereof be made here, out of the goods of the ſaid Captaine *Argall*.

The laſt acte of the General Aſſembly was a contribution to gratifie their Officers as followeth

Aug. 4th 1619

It is fully agreed att this Generall Aſſembly, that in regarde of the great paines & labour of the Speaker of this Aſſembly (who not only firſt formed the ſame aſſembly & to their great eaſe & expedition, reduced all matters to be treatted of into

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[1] This paragraph is croſſed out in the original.

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a ready method, but alſo, his indiſpoſition notw^thſtanding wrote or dictated all orders & other expedients, & is yett to write ſeverall bookes for all the ſeverall Incorporations & plantations, both of the great Charter, & of all the Lawes) & likewiſe in reſpecte of the diligence of the Clerke & Sergeant officers thereto belonging: That every man & manſervant of above 16 yeares of age ſhall pay into the handes & Cuſtody of the Burgeſſes of every Incorporation & plantation one pound of the beſt Tobacco, to be distributed to the Speaker, & likewiſe to the Clerke & Sergeant of the Aſſembly, according to their degrees & rankes, the whole bulk whereof to be delivered into the Speakers handes, to be divided accordingly. And in regard to the Provoſt Marſhall of *James Citty* hath alſo given ſome attendance upon the ſaid General Aſſembly, he is alſo to have a ſhare out of the ſame. And this is to begin to be gathered the 24^th^ of *February* nexte.

In concluſion the whole Aſſembly comanded the Speaker (as nowe he doth) to preſent their humble excuſe to the Treaſurer Counſell & Company in *England*, for being conſtrained by the intemperature of the Weather, & the falling ſick of diverſe of the Burgeſſes, to breake up ſo abruptly before they had ſo much as putt their Lawes to the ingroſſing, this they wholly committed to the fidelity of their Speaker, who therein (his Conſcience telles him) hath done the part of an honeſt man, Otherwiſe he would eaſily be found out by the Burgeſſes themſelves, who w^th^ all expedition, are to have ſo many bookes of the ſame Lawes, as there be both Incorporations & Plantations, in the Colony.

In the ſeconde place, the Aſſembly doth moſt humbly crave pardon, that in ſo ſhort a ſpace they could bring their matter to no more perfection, being for the preſent enforced to ſend home Titles rather then Lawes, Propoſitions rather than reſolutions, Attempts then Atchievements, hoping their courteſy will accepte our poore indevour, and their wiſedom will be ready to ſupporte the weaknes of this little flocke.

Thirdly, the General Aſſembly doth humbly beſeech the Treaſurer Counſell & Company, that albeit it belongeth to them onely to allowe or to abrogate any Lawes w^ch^ we ſhall here inacte, and that it is their righte ſo to doe; yet that it would pleaſe them not to take it in ill parte, if theſe Lawes, w^ch^ we have nowe brought to light, do paſſe currant & be of force, till ſuche time as we may knowe their further pleaſure out of *Englande*, for otherwiſe this people (who nowe at length have gott the raines of former ſervitude into their owne ſwindge[1]) would in ſhort time grow ſo inſolent, as they would ſhake off all govern^mt^, & there would be no living among them.

Their laſt humble ſuit is, that the ſaid Counſell & Company would be pleaſed, as ſoon as they ſhall find it convenient, to make good their promiſe ſett down at the concluſion of their comiſſion for eſtabliſhing the Counſell of Eſtate & the General Aſſembly: namely that they will give us power to allowe or diſallowe of their Orders of Courte, as his Majeſty hath given them power to allowe or to reject our Lawes.

In ſume Sir *George Yeardly* the Gover^or^ prorogued the ſaid General Aſſembly till the firſt of *Marche* which is to fall out this preſent yeare 1619, And in the mean ſeaſon diſſolved the ſame.

[1] "Swindge" is a miſſpelling of "ſwinge," which is an obſolete word meaning ſway, or power.

[From *Neill's Virginia* Company of *London*, pp. 274-286. The extracts here copied give a contemporary account of the seſſion of the General Aſſembly held in *November* and *December*, 1621.]

Letter of Governor and Council of *Virginia* to the Company, written *January* 1621/2, and forwarded by Ship *George*.

Right Hono^ble

WEE haue receaued you^r Letter dated at *London* the 22d of *September*, 1622 [1621], by the *Warwicke* arriued heare at *James Cyttie* the 10th day of *December*, wherein you haue manifeſted ſo greate care of us, and the whole Colony as we cannott but with all thankfullneſs acknowledg ourſelues much bounden unto you for the ſame, before the receipt of w^ch Letter wee had (according to the inſtructions giuen us) taken order in the firſte Seſſions of the generall Aſſemblie, helde in *Nouember* and *December*, that great ſtore of Vines and Mulberry trees ſhould be planted in all places, and ſuch as were growinge preſerued and had expreſſly p^hibited the deſtroyinge of mulberry trees in the clearinge of Growndes.

Att w^ch Aſſemblie we did playnly p^rceaue that the whole country was very well affected to the plantinge of both and to the receauing of ſilk-worme foode, and that y^t is our erneſt deſire that you woulde be pleaſed to proceed in this courſe, and of ſending us all ſortes of Vines in greate abundance, as alſoe greate ſtore of all ſortes of the beſt graine, as wheate, Barlie, Oates, and peaſe of all the beſt kindes, for though wee bee very deſirous to falle to the ſowinge of all ſorts of our *Engliſhe* graine as well as Indian (ſince this Countrey is very p^per for them, and that there [is] ſo much cleare grounde in the Colonie) wherein a plowe may be able to goe yet are wee at this tyme very much unprovided of any good ſeed corne, for our wheate w^ch was firſte brought hither from the *French* Colonie is not only of a ſmall and bad kinde, but hath been alſo much decaied (ſince it came hither) for wante of well cultivatinge the grounde.

* *

For the drawinge of the People from the exceſſiue plantinge of Tobacco, wee haue by the conſent of the generall Aſſemblie reſtrayned them to one hundred plants ye headd, uppon eache of w^ch plantes there are to bee left butt onely nyne leaues w^ch p^portions as neere as could be gueſſed, was generally conceaued would be agreeable wth the hundred waight you haue allowed. By w^ch meanes as alſo by the courſe that we haue taken for the keepinge of euery man to his Trade we doubt nott butt very much to preuent the Imoderate plantinge of Tobacco. But nothinge can more encourage all men to the plantinge of corne in abundance and ſoe diuert them from plantinge of Tobacco, then you would be pleaſed (ſince y^t you deſire that greate plenty of Corne bee planted here as well for ſuch multitudes of people as you hope yearly to ſend ouer, as for our owne ſelues to allow us a Marchantable Rate here for our Corne, either to bee paide by Bills of Exchange in *England* or in Comodities to be deliuered here at 25 *p. centum*, the priſe of 7*s* the Buſhell being p^poſed by the generall Aſſemblie was by us thought very reaſonable ſince the Corne you ſend ouer beſides the hazard of being loſt or ſpoyled at Sea, doth ſtand you in as much or more the charge or fraight in Cask conſidered.

* *

By the conſent of the laſt Generall Aſſemblie there y^e a large Contribution to be underwritten for the buildinge of a howſe of Entertainment at *James* * * * and therefore woode earneſtly deſire y^t you would be pleaſed to ſend ouer ſome * * * of Carpenters Brickmakers and Bricklayers of w^ch uſefull trades there is very great want, and for whoſe labour wee wilbe content to paye after a good rate.

* *

Wee haue heerin ſent you a piect [project] of Capt *Newces* w^ch yf you ſhalbe pleaſed to take likinge of y^t is thought heere, will yeelde you a more certain p^ffitt than your Tenants to halfes, w^ch being p^poſed to the generall Aſſemblie, was by them very well approved of: we haue uppon his Peticone and deepe p^teſtations (y^t he is utterlie ignorant in the buſines of the Sawinge Mills) ſent home the Dutchmans Sonne who cam ouer hither only for the commforte of his father, and the rather to diſcharge you of the payinge of unneceſſary wages.

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PAPERS

of the

GENERAL ASSEMBLY

of

1623/24.

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[From *Neill*'s Hiſtory of the *Virginia* Company of *London*, pp. 407-411.]

The anſwere of the Generall Aſſembly in *Virginia* to a Declaration of the ſtate of the Colonie in the 12 yeers of S^r *Thomas Smiths* Gouerment, exhibited by Alderman *Johnſon* and others.

HOLDINGE it a ſinne againſt God, and ou^r owne ſufferinge, to ſuffer the World to be abuſed w^th untrue reportes, and to giue unto vice the reward of vertue, we in the name of the whole Colonie of *Virginia*, in our generall aſſembly, many of us hauing beene eye witneſſes and patients of thoſe tymes haue framed out of our duty to this country, and loue unto truth, this Diſmaskinge of thoſe prayſes w^ch are contayned in the forefaid declarationes.

In thoſe 12 yeers of S^r *Tho: Smith* his gouerment, we auerr that the Colony for y^r moſt p^te remayned in greate want and miſery under moſt feuere and Crewell lawes ſent ouer in printe, and contrary to the expreſſe Letter of the Kinge in his moſt gracious Charter, and as mercyleſſly executed, often times wthout tryall or Judgment. The allowance in thoſe tymes for a man was only eight ounces of meale and half a pinte of peaſe for a daye the one & y^e other mouldy, rotten, full of Cobwebs and Maggots loathſome to man and not fytt for beaſts, w^ch forced many to flee for reliefe to the Savage Enemy, who being taken againe were putt to ſundry deaths as by hanginge, ſhootinge and breakinge uppon the wheele & others were forced by famine to filch for their bellies, of whom one for ſteelinge 2 or 3 pints of oatmeale had a bodkinge thruſt through his tongue and was tyed w^th a chaine to a tree untill he ſtarued, yf a man through his ſickneſs had not been able to worke, he had no allowance at all, and ſo conſequently periſhed many through theſe extremities, being weery of life digged holes in the earth and hidd themſelues till they famiſhed.

We cannott for this our ſcarſitie blame our Comanders heere, in reſpect that o^r ſuſtenance was to come from *England*, for had they at that time giuen us noe better allowance we had periſhed in generall, ſo lamentable was our ſcarſitie that we were conſtrained to eat Doggs, Catts, ratts, Snakes, Toad-ſtooles, horſehides and w^t nott, one man out of the myſery he endured, killinge his wiefe powdered her upp to eate her, for w^ch he was burned. Many beſides fedd on the Corps of dead men, and one who had gotten unſatiable, out of cuſtome to that foode could not be reſtrayned, until ſuch tyme as he was executed for it, and indeed ſoe miſerable was our eſtate that the happyeſt day that euer ſome of them hoped to ſee, was when the Indyans had killed a mare they wiſhing whilſt ſhe was boylinge y^t S^r *Tho: Smith* was uppon her backe in the kettle.

And whereas it is afirmed that there were very fewe of his Ma^tie^s ſubiects left in thoſe dayes and thoſe of the meaneſt ranke, we anſwere y^t for one that now dyes, there then periſhed fiue, many beinge of Auncyent Howſes and borne to eſtates of 1000^li by the yeere, ſome more, ſome leſs who likewiſe periſhed by famine. Thoſe who ſuruived who had both aduentured theire eſtates and prſonnes were conſtrayned to ſerue the Colony as if they had been ſlaues, 7 or 8 yeeres for their freedomes, who underwent as hard and ſeruile labor as the baſeſt fellow that was brought out of Newgate.

And for diſcouery we ſaye that none was diſcouered in thoſe 12 yeeres, and in theſe 4 or 5 laſt yeers much more than formerly.

For o^r howſes and churches in thoſe tymes they were ſo meane and poore by reſon of thoſe calamities that they could not ſtand aboue one or two yeeres, the people neuer goinge to woorke but out of y^e bitternes of theire ſpirrits threatning execrable curſes uppon S^r: *Thomas Smith*, neither could a bleſſinge from god be hoped for in thoſe buildings w^ch were founded uppon y^e bloud of ſoe many Chriſtians.

The Townes were only *James Cyttie, Henryco, Charles hundred, Weſt & Sherley hundred,*

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hundred, and *Kiccoughtan* all w^ch^ in thoſe tymes were ruined alſoe, unleſs ſome 10 or 12 howſes in y^t^ Corporatione of *James Cyttie* at this preſent tyme are 4 for euer one that were there, and forty times exceedinge in Goodneſſe, fortifications there were none at all againſt y^e^ foraigne enemy, and thoſe that were againſt the domeſtick very few and contemptible, Bridges there was only one w^ch^ alſo decayde in that tyme, yf through the forſaid calamities many had not periſhed we doubt not but there might haue been many more than 1000 people in the lande when S^r^ *Thomas Smith* left the Gouerment.

But we conceiue y^t^ when S^r^ *George Yardly* arriued Gouno^r^ hee found not aboue 400, moſt of thoſe in want of corne, nearly deſtitute of cattle, ſwyne, poultrey and other neceſſary p^r^uiſions to nouriſh them. Miniſters to inſtruct the people there were ſome whoſe ſufficyencie and abilitie we will not tax, yet diuers of them had no Orders.

We knowe not at any time y^t^ we exceeded in Armes, Powder & munitions, but y^t^ in qualitie almoſt altogether ufeleſſe. We acknowledg in thoſe times there was a tryall made of diuers ſtaple Comodities, the Colony as then not hauinge meanes to p^r^ceed therein, we hope in tyme there may be ſome better p^r^greſſions be made, and had it not beene for the Maſſacre may by this had beene brought to ℙfection, as for boats in the tyme of y^t^ Gouermt there was only one left y^t^ was ſeruiceable in the Colonie, for w^ch^ one beſides 4 or 5 Shipps and pynnaces, there are now not ſo fewe as 40, the barques, and barges y^t^ then were built in number few, ſo unwillinglie and weakly by the people effected, y^t^ in the ſame time they alſo fiſhed [periſhed] we neuer ℙceaued y^t^ the natiues of the Countrey did voluntarily yeeld themſelues ſubiects to our gracyous Souraigne, nether that they took any pride in that title, nor p^r^uide at any tyme any contrybutione of corne for ſuſtentation of y^e^ Colony, no^r^ could we at any tyme keepe them in ſuch good reſpect of correſpondency as we became mutually helpful each to to the other but contrarily w^t^ at any [time] was doune p^r^ceeded from feare and not loue, and their corne p^r^cured by trade or the ſworde.

To w^t^ growth of ℙfectione the Colony hath attayned at y^e^ end of thoſe 22 [12] yeeres wee conceaue may eaſily be iudged by w^t^ we haue formerly ſaide. And rather to be reduced to liue under the like Goument we deſire his Ma^tie^ y^t^ Commiſſioners may be ſent ouer, w^th^ authoritie to hange us.

Alderman *Johnſon*, one of y^e^ Authors of this Declaratione hath reaſone to comend him to whoſe offences and infamies he is ſo inſeparably chained.

By y^e^ generall reporte of y^e^ Country w^ch^ we neuer hard contradicted, we affirme this to be true whereof all or y^e^ moſt p^r^te were eye witneſſes or reſident in y^e^ Country when euery p^r^ticuler within written were effected.

Wm. Tucker
Wm. Peerce
Rawley Croſhaw
Samuel Mathews
Jabez Whittaker
John Willcox
Nicholas Marten
Edward Blany
Iſack Madiſone
Clement Dilke
Luke Boyſe
John Utie
John Chew
Richard Staples
Gabriell Holland
Francis Wyatt
George Sandis
John Pott
John Powntis
Roger Smith
Raphe Hamor
John Southerne
Samuel Sharpe
Henry Watkins
Nathaniel Cauſey
Richard Bigge
Richard Kingſwell
John Pollington
Robert Addams
Thomas Marlott.

[Letter

[Letter of the Governor, Council, and Aſſembly of *Virginia* to the king in reply to Capt. *Nathaniel Butler's* "Unmasking of *Virginia*." Copied from *Stith's* Hiſtory of *Virginia* (*Williamſburg*, 1747), pp. 307-312.]

Moſt gracious Sovereign,

WHEREAS a Copy of an Information, preſented to Your Majeſty by Captain Nathaniel Butler, *entitled,* The Unmasking of *Virginia, is come to our Hands: and whereas the ſame is full of notorious Slanders and Falſhoods, proceeding from the Malice of his corrupt Heart, and abetted by private Enmity and publick Diviſion, which aim at the Satisfaction of their particular Spleen, altho' it be to the Subverſion of this whole Colony; Wee, the Governor, Council, and Colony of* Virginia, *in our General Aſſembly, out of Zeal and Reſpect to Your Majeſty and this our Country, not to ſuffer Your ſacred Ears to be prophaned with falſe Suggeſtions, nor Your Royal Thoughts to be diverted from ſo hopeful a Plantation, which may add in time a principal Flower to Your Diadem, do, in all Humblenes, ſubmit this our Anſwer to Your Princely Survey, annexed to the ſeveral Untruths of the ſaid Informer.*

1. I found the Plantations generally ſeated, *&c.*

THE Plantations, for the moſt Part, are high and pleaſantly ſeated: and the reſt not low, nor infeſted with Marſhes, which, we wiſh, were more frequent. The Creeks are rather uſeful, than noiſome; and no Bogs have been ſeen here by any, that have lived twice as many Years, as he did Weeks, in the Country; the Places which he ſo miſcalls, being the richeſt Parts of the Earth, if we had a ſufficient Force to clear their Woods, and to give the freſh Springs, which run through them, a free Paſſage. The Soil is generally rich, and reſtores our Truſt with Abundance; the Air is ſweet, and the Clime healthful, all Circumſtances conſidered, to Men of ſound Bodies and good Government.

2. I found the Shores, *&c.*

In this he traduceth one of the goodlieſt Rivers in the habitable World, which runs for many Miles together within upright Banks, till at length, enlarged with the Receipt of others, it beats on a ſandy Shore, and imitates the Sea in Greatneſs and Majeſty. It is approachable on both Sides, from half Flood to half Ebb, for Boats of good Burthen; neither is there any River in the World of this Vaſtneſs, without Cranes or Wharfs, more commodious for landing. And it is equally contrary to Truth, that by wading we get violent Surfeits of Cold, which never leave us, till we are brought to our Graves.

3. THE new People, ſent over, arriving for the moſt Part, *&c.*

We affirm, that the Winter is the only proper time for the Arrival of new Comers; whereof the Governor and Council have often, by their Letters, informed the Company; and the like Advice has been given to their Correſpondents, from time to time, by private Planters, for their Supply of Servants. As to Houſes of Entertainment, there was a general Subſcription, amounting to an unexpected Sum, and Workmen actually employed, to build a fair Inn in *James* City, and every principal Plantation had reſolved on the like, for the Entertainment of their new Supplies; when it pleaſed God, to puniſh our Crimes by the bloody Hands of the Indians, which obliged us to divert that Care to the Houſing ourſelves, many of us having been unfurniſhed by that Diſaſter. But Buildings of late have every where encreaſed exceedingly; neither have new Comers any Reaſon to complain, when every Man's Houſe is, without Recompence, open to the Stranger, even to the diſaccommodating ourſelves. So that we may with Modeſty boaſt, that no People in the World do exerciſe the like Hoſpitality. As for dying under Hedges (whereof there are none in *Virginia*) or lying unburied in the Woods, by reaſon of this Defect, it is utterly falſe. However, if ſuch things ſhould ſometimes be ſeen accidentally here, the like may, and often doth happen, in the moſt flouriſhing Countries of *Europe*.

4. THE Colony was, this Winter, in great Diſtreſs, *&c.*

THE Colony, that Winter, was in no Diſtreſs of Victual, as the Accuſer well knoweth. For he bought Corn himſelf for eight Shillings a Buſhel, cheaper, as we hear, than it was then ſold in *England*. It is true, a ſucceeding Scarcity was feared. But what leſs could be

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be expected, after ſuch a Maſſacre; when near half the Colony were driven from their Habitations in time of planting, others ſtreightened in their Ground by receiving them, and all interrupted in their Buſineſs by ſupporting a ſudden War? *Engliſh* Meal ſold, as he affirmeth, at thirty Shillings the Buſhel, was only ſold for ten Pounds of Tobacco: for which, in truck, we ordinarily receive under twelve Pence a Pound, real Value. And it is not to be ſuppoſed, that any of the Great ſhould affect Scarcity, in order to enrich themſelves by Trade. For Trade hath ever been free for us all; neither have they, who have brought in moſt Corn, ſold it out at unconſcionable Rates, but have often freely imparted it to the Neceſſity of others, without any other Advantage than Repayment. We agree with that Prime-one, who wiſhed, that Corn might never be under eight Shillings a Buſhel; meaning in Tobacco at three Shillings a Pound. For ſo there would be ſome Proportion between the Profit of making the one and the other, and Corn would thereby be planted in greater Abundance.

5. THEIR Houſes are generally the worſt, *&c.*

OUR Houſes, for the moſt Part, are rather built for Uſe than Ornament; yet not a few for both, and fit to give Entertainment to Men of good Quality. If we may give Credit to thoſe, who are accounted the moſt faithful Relaters of the *Weſt-Indies*, many Cities of great Rumour there, after threeſcore Years Progreſs, are not to be compared in their Buildings to ours. And ſo far are they from the meaneſt Cottages in *England*, that many Towns there have hardly one Houſe in them, which exceedeth ours in Conveniency or Structure. The greateſt Diſparagement, that ſome of them received, proceeded from his Riots and laſcivious Filthineſs with lewd Women, purchaſed with Rials of Eight and Wedges of Gold, the Spoils of the diſtreſſed *Spaniards* in *Bermudas*; which, as we are informed by a Gentleman of good Credit, who caſually ſurveyed his Inventory, did, with other Treaſure, amount to divers Thouſands. As for the Interpoſition of Creeks, which Men are moſt deſirous to ſeat upon, where we cannot go by Land, we have Boats and Canoes, for our ſudden Tranſport on any Occaſion.

6. I found not the leaſt Piece of Fortification, *&c.*

WE have, as yet, no Fortifications againſt a foreign Enemy, altho' it hath been endeavoured by the Company, with a Succeſs unanſwerable to their Care and Expence; as alſo lately by ourſelves. But the Work, being interrupted by the Scarcity of laſt Summer, ſhall proceed again, God willing, with all convenient Expedition; and almoſt all our Houſes are ſufficiently fortified againſt the Indians, with ſtrong Paliſadoes. His Envy would not let him number truly the Ordinance at *James City;* four Demi-Culverins being there mounted, and all ſerviceable. At *Flower-de-Hundred*, he makes but one of ſix; neither was he ever there, but, according to his Cuſtom, reporteth the unſeen as ſeen. The ſame Envy would not let him ſee the three Pieces at *Newport's-News*, and thoſe two at *Eliſabeth-City*. Two great Pieces there are at *Charles Hundred*, and ſeven at *Henrico*. Beſides which, ſeveral private Planters have ſince furniſhed themſelves with Ordinance. So that it were a deſperate Enterpriſe, and unlikely to be attempted by a Man of his Spirit, to beat down our Houſes about our Ears, with a Bark of that Burthen.

7. EXPECTING, according to their printed Books, *&c.*

THE time that this Informer came over, was in the Winter, after the Maſſacre; when thoſe Wounds were green, and the Earth deprived of her Beauty. His Ears were open to nothing but Detraction, and he only enquired after the Factious, of which there were none among us, and how he might gather Accuſations againſt thoſe in the Government, being, as it ſhould ſeem, ſent over for that Purpoſe. Otherwiſe he could not but hear of our Proclamations for the Advancement of Staple Commodities, and with what Alacrity and Succeſs they proceeded; Vines and Mulberry Trees being planted throughout the whole Country, the Iron-Works in great Forwardneſs and ſhortly to receive Perfection, and the Glaſs-Works laboured after with all poſſible Care, till the Slaughter by the Indians, and the ſucceeding Mortality, gave a Ruin to ſome, and Interruption to all. So that he hath nothing but our Misfortunes to accuſe and upbraid

us

us with; which have obliged us, ſtill to follow that contemptible Weed, as well to ſuſtain the War, as to enable us again to erect thoſe Works. As for deriding the Books, that were ſent over by the Company, it was done by himſelf, and no other, that we know of.

8. I found the ancient Plantations of *Henrico*, *&c.*

STILL he abuſeth your Majeſty with theſe Words, *I found*, in Places, where he never was by ſome Score of Miles; having never been higher up the River, than the Territories of *James City*. *Henrico* was quitted in Sir *Thomas Smith*'s Time, only the Church and one Houſe remaining. *Charles City*, ſo much ſpoken of, never had but ſix Houſes. The Soil of both is barren, worn out, and not fit for Culture. The Loſs of our Stocks the Informer hath leſs Reaſon to urge. For he joined with the Indians in killing our Cattle, and carried the Beef aboard his Ship; which would have coſt him his Life, if he had had his Deſerts.

9. WHEREAS according to his Majeſty's gracious, *&c.*

THE Governor and Council, whom it only concerned, replied to this; that they had followed the Laws and Cuſtoms of *England* to their utmoſt Skill; neither could he, or any other, produce any Particular, wherein they had failed. As to their Ignorance, they held him to be no competent Judge of thoſe, who ſo far tranſcended him in Point of Learning and Ability. For he had never been bred to the Law (as was not unknown to ſome of them) nor yet in any other of the liberal Sciences. But his principal Spleen in this Article, appeared to proceed from his not being admitted of the Council, which they could by no means, conſiſtently with their Inſtructions, do.

10. THERE having been, as it is thought, ten thouſand, *&c.*

HIS Computation of ten thouſand Souls falleth ſhort of four thouſand; and thoſe were, in great part, waſted by the more than *Egyptian* Slavery and *Scythian* Cruelty, which was exerciſed on us, your poor and miſerable Subjects, by Laws written in Blood, and executed with all Sorts of Tyranny, in the Time of Sir *Thomas Smith*'s Government; whereof we ſend your Majeſty the true and tragical Relation, from which it will plainly appear, that the pretended Confuſions and private Ends will ſtrongly reflect upon him and his Inſtructors. And how unfit ſuch Men are, to reſtore that Plantation, which ſuffered ſo much under their Government, we humbly refer to your princely Conſideration; invoking, with him, that divine and ſupreme Hand, to protect us from ſuch Governors and their Miniſters, who have poured out our Blood on the Earth like Water, and have fatted themſelves with our Famine. And we beſeech your Majeſty, to ſupport us in this juſt and gentle Authority, which has cheriſhed us of late by more worthy Magiſtrates; and We, our Wives, and poor Children, as is our Duty, ſhall ever pray to God, to give you in this World all Increaſe of Happineſs, and to crown you in the World to come, with immortal Glory.

[From the *Bancroft* Tranſcripts, *New York* Public Library, II, 585-590.]

To the Kinges moſt excellent Ma^tie

The humble Petition of the Governo^r Counſell and Collony of Virginia *in their Generall Aſſemblie.*

Humbly ſheweth,

THAT whereas to our great Comfort, we have lately underſtoode that Yo^r Ma^tie^s notw^thſtandinge the unjuſt diſparagements of this Plantation, hath taken y^t into yo^r more neere and eſpeciall care; that yo^r Royall intentions may have their one effecte, We, urged by our duty and experiences, doe humbly beſeech that credit may not be given to the late declarations preſented to yo^r highnes concerneinge the happie, but indeed miſerable eſtate of the Collony duringe the firſt twelve yeares; neither to thoſe malicious imputations, w^ch have ben layde on the latter: but to be pleaſed to beholde in little the true eſtate of both, by our relations w^ch we now preſent by the handes of M^r *John Pontis* a worthy member of our bodye, conteyninge

conteyninge nothinge but the truth, w^th^out difaffection or partialitye, whereby we doubt not but Yo^r^ Ma^tie^ will underſtande of the Condition of both tymes; and be pleaſed, accordinge to our earneſt deſires to continue the Government under w^ch^ we live: confirmed by yo^r^ Princely care and ſupportance: But if yt ſhall pleaſe Yo^r^ Ma^tie^ otherwiſe to determine, our prayers ſolicite your tender Compaſſion that you will not ſuffer yo^r^ poore Subjectes to fall into the handes of Sir *Tho: Smith* or his Confidents, who have lately abuſed yo^r^ Sacred cares w^th^ wronge Informations; but that yo^r^ will gratiouſly protect us from thoſe groweinge ſtormes ingendered by faction w^ch^ preſage the ſubverſion of ſome whofe endeavors have deſerved a better rewarde, and in generall of the wholl Plantation. And that we may depend upon noe meaner perſons then of late we have doune ſince the Action is of ſuch hono^r^ and conſequence. And in that by the late Maſſacre, continued warre, and meane priſes of Tobacco, we are diſabled for ſetting up ſtaple Comodities, extirpation of the perfidious Salvages (much leſſe for fortification againſt a forrein enymie) We humblie follicite the effect of yo^r^ Ma^ties^ gratious intention for our, and the *Somer* Iſlandes, ſole importation of tobacco: beſeechinge yo^r^ Ma^tie^ to believe that we affect not that Contemptible weede as an end, but as a prefent meanes whereof We doubt not ere longe to give yo^r^ Ma^tie^ a reall aſſurance. And if Yo^r^ Ma^tie^ ſhalbe gratiouſly pleaſed to ſend over that aid of Souldiers, whereof we have been put in hope, or what other ſupport Yo^r^ Royall bounty ſhall afforde us: Wee moſt humblie deſire that the Gouverno^r^, Counſell and General Aſſemblie may have a voyce in their diſpoſall, ſince none at that diſtaunce by reaſon of accidents and emergent occaſions can direct y^t^, ſo advantagiouſly as our preſence and experience And we our Wives and poore Children ſhall ever praye to God, as is our dutie, to give you in this worlde all increaſe of happines and to crowne you in the World to come w^th^ imortall Glorye.

Francis: Wyatt

George Sandys. *Frans: Weſt.*
Roger Smythe. *George Yeavelley* [*Yeardley*].
Raphe Hamor *John Pott.*

Will: Peirce.	*Will: Tucker.*	*Jabez Whittaker.*
Nath: Baſſe.	*John Pollington.*	*Nic. Martian*
Edw. Blayney.	*John Utie.*	*Iſaack Chaplain.*
Clem^t^ Dilke.	*Luke Boys.*	*Thomas Harris*
Rich: Stephens.	*John Chewe.*	*Rob^t^ Addams.*
Rich^d^ Kingeſmill	*Nath. Cauſſey.*	*Rich. Bigges.*
Gabriel Holland.	*Thomas Marloe.*	

[From the *Bancroft* Tranſcripts, *New York* Public Library, II, 365-372.]

Right Hono^ble^,

WEE have received divers letters from yo^r^ Lo^pe^ ſome to the Gov^r^ and counſell in perticuler others to the Collony in generall, w^th^ Coppies of yo^r^ orders from the Company, and laſtly other orders brought over by M^r^ *Povey*[1]. By them all we underſtande the princely care that his Ma^tie^ hath of this Plantation, for w^ch^ we retorne our humbleſt thankes and earneſtly folicite the continuance of his favo^r^

By the firſt we underſtoode of his Ma^ties^ remittinge of thre pence in the ſhillinge in the Cuſtomes of his tobacco, and of grauntinge unto us the ſole importation: then w^ch^ there is nothinge that will give more life or a ſpeedier advancement to this Collony, for little or nothinge can be expected from povertye to w^ch^ the meane priſes therof and great charges of warre have reduced us neither have wee, in this eſtate wherin we are, the meanes to fortifie, nor to ſett up thoſe ſtaple comodities w^ch^ require a longe expectation

[1] This name ſhould be "*Pory*".

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tion of proffitt: all the fruites of o^r^ labors amountinge to noe more (if ſoe much) then will cloth and feed us. Wee therefore humblie intreat yo^r^ Lo^ps^ that yo^u^ will take Conſiſteration of us, and be a meanes to his Ma^tie^ to confirme his former intention, w^th^ all to take into yo^r^ hono^ble^ conſiderations that heavy burthen in payeinge for Cuſtomes above a thirde of o^r^ labo^rs^ w^ch^ we deſire may bee reduced to five in the hundred accordinge to his Ma^ties^ gratious letters Pattents. Wee further underſtande by yo^r^ Lo^ps^ letters, that we have been accuſed by one that came from hence of neglect of fortifications of buildinge of houſes and provideinge of ſuſtenance: againſt whome we proteſt that his relation as in other thinges, ſoe in this, is untrue and ſlanderous. We have in due ſubmiſſion to yo^r^ Lo^ps^ publiſhed yo^r^ orders ſent over by M^r^ *Povey*[1] whereby wee underſtande his Ma^ties^ intention in changeinge the Government of this Collony, we are ignorant of the dangers and ruynes that might have befallen us by the continuance of the former, neither have we any thinge to accuſe them w^th^ that have ſwayed our affaires, ſince the expiration of S^r^ *Thomas Smyth*s authoritye, our ſlavery haveinge ſince been converted to freedome, and wee cheriſhed under a juſt and moderate Govern^t^: neither had they nor wee been ſubject to ſenſure, if the bitter effects of the Maſſacre had not clouded their zeale and our endeav^ors^ yet howſoever yt pleaſeth his Ma^tie^ to diſpoſe of us, it is our humble deſire, that the Governo^rs^ that are ſent over may not have abſolute authoritye, but may bee reſtrayned as formerly by the conſent of this Counſell, w^ch^ tytle we deſire may be retayned to the hono^r^ of this Plantation, and not converted to the name of aſſiſtantes, ſome inconvenyences we have founde by the ſtrickt limittations of the Governo^r^ and Counſell by inſtructions out of *Englande*, ſince in ſo farre a diſtance and not perfect knowledge of the Country that may ſeeme good in adviſe, w^ch^ may by accident prove otherwiſe in execution, neither holde we yt fitt that any mayne project be ſett a foot, w^ch^ hath not from hence approbation, beſides we ſuppoſe that the ſhort continuance of Governo^rs^ in their places is very diſadvantagious to the Collony, who for the firſt yeare are rawe in experience and for the moſt part in Ill diſpoſition of health through the change of the Clymate, the ſeconde yeare they beginn to underſtande the affaires of the Country, and the thirde provide for their retorne. But above all we humblie intreat yo^r^ Lo^ps^ that we may retaine the libertie of our generall Aſſemblie, then w^ch^ nothinge can more conduce to our ſatisfaction or the publique utilitie. Thus ſubmittinge ourſelves and our affaires to yo^r^ hono^ble^ patronage, We humblie take our leaves.

Wholly to be diſpoſed by yo^r^ Lo^ps^

Francis Wyatt.

James Cytty.
the laſt of *Februarye* 1623.

Frans. Weſt.
George Yeardley. *George Sandys.*
Roger Smythe. *Raphe Hamor.*
J. Pountes. *Sam. Mathews.*
Will Peirce. *Will Tucker.*
Iſaack Maddiſon. *Nicolas Martian.*
Jabez Whittaker. *Iſaack Chaplin.*
Nath. Baſſe. *Clem^t^. Dilke.*
John Utie. *Sam Sharpe.*
Rich: Stephens. *Nathaniel Cauſſey.*
John Chewe. *Richard Biggs:*
Edward Gryndon. *Henry Watkins.*
Thomas Marlott. *Robert Addams.*
Gabriell Holland. *Rawley Croſham.*
Edw: Blayney. *Rich. Kingeſmyll.*
John Willcocks. *Luke Boys.*

(Indorſed)

"To the Right Hono^ble^ our very good Lordes: the Lordes of his Ma^ties^ moſt Hono^ble^ Privie Counſell."

[From

[1] This name ſhould be "*Pory*".

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[From Colonial Records of *Virginia*, pp. 69-83.]

A Breife Declaration of the Plantation of *Virginia* duringe the firſt Twelve Yeares, when Sir *Thomas Smith* was Governor of the Companie, & downe to this preſent tyme. By the Ancient Planters nowe remaining alive in *Virginia*.

WHEREAS in the beginninge of Sir *Thomas Smiths* twelve yeares government, it was publiſhed in printe throughout the Kingdome of *Englande* that a Plantation ſhould be ſettled in *Virginia* for the glorie of God in the propogation of the Goſpell of *Chriſt*, the converſion of the Savages, to the honour of his Majeſty, by the enlargeinge of his territories and future enrichinge of his kingdome, for which reſpects many noble & well minded perſons were induced to adventure great ſums of money to the advancement of ſoe pious & noble a worke, who have from the very firſt been fruſtrate of their expectation, as wee conceive, by the miſgovernment of Sir *Thomas Smith*, aiminge at nothinge more then a perticular gaine, to be raiſed out of the labours of ſuch as both voluntarilie adventured themſelves and were otherwiſe ſent over at the common charge. This will cleerely appeare in the examination of the firſt expedition & ſeverall ſupplies in the tyme of his government.

The firſt Plantation in *Virginia* conſiſted of one hundred perſons, ſo ſlenderly provided for that before they had remained halfe a yeare in this new Collony they fell into extreame want, not havinge anything left to ſuſtein them ſave a little ill conditioned Barley, which ground to meal & pottage made thereof, one ſmale ladle full was allowed each perſon for a meale, without bread or aught elſe whatſoever, ſo that had not God, by his great providence, moved the Indians, then our utter enemies, to bringe us reliefe, we had all utterlie by famine periſhed. How unable ſo ſmall a companye of people, ſoe poorely ſent over, were to make way for ſuch as ſhoulde followe, may eaſily be judged.

The firſt ſupplie beinge two ſhippes, the *John & Francis & Phenix*, with one hundred & twenty perſons, worſe every way provided for then the former, arrived heere about eight or nine months after & found the Collony conſiſting of no more then forty perſons (of thoſe) tenn only able men, the reſt at point of death, all utterly deſtitute of howſes, not one as yet built, ſo that they lodged in cabbins & holes within the grounde; victualls they had none, ſave ſome ſmall reliefe from the Indians, as ſome yet living weare feelinge witneſſes, neither were we for our future and better maintenance permitted to manure or till any grounde, a thing in a new Plantation principally to be regarded, but weare by the direction of Sir *Thomas Smith*, and his officers heere, wholly imployed in cuttinge downe of maſts, cedar, blacke wallnutt, clapboarde, &c., and in digginge gould oare (as ſome thought) which beinge ſent for *England* proved dirt. Theſe works to make retorne of preſent proffit hindered others of more neceſſary conſequence of Plantation.

After this firſt ſupplie there were ſome few poore howſes built, & entrance made in cleeringe of grounde to the quantitye of foure acres for the wholl Collony, hunger & ſickneſs not permitting any great matters to bee donne that yeare.

The ſecond ſupplie was a ſhip the *Mary Margett*, which arrived here nine months after, about the time of *Michaellmas*, in her ſixty perſons, moſt gentlemen, few or no tradeſmen, except ſome *Polanders* to make Pitch, tarre, potaſhes, &c., to be retorned for preſent gaine, ſoe meanly likewiſe were theſe furniſhed forth for victualles, that in leſſe then two monthes after their arrivall, want compelled us to imploye our time abroad n trading with the Indians for corne; whereby though for a time we partly relieved our neceſſities, yet in *Maye* followinge we weare forced (leavinge a ſmall guarde of gentlemen & ſome others about the prefident at *James Towne*) to diſperſe the wholl Collony, ſome amongſt the Salvadges but moſt to the Oyſter Banks, where they lived uppon oyſters for the ſpace of nine weekes, with the allowance only of a pinte of Indian corne to each man for a week, & that allowance of corne continued to them but two weekes of the nine, which kinde of feeding cauſed all our skinns to peele off, from head to foote, as if we had beene flead[1]. By this time arrived Captaine *Samuell Argall* in a ſmall Barque, with

[1] An obſolete form of "flayed".

with him neither ſupplie of men nor victualls from the Company; but we underſtandinge that he had ſome ſmall proviſions of bread and wine, more then would ſerve his owne companie, required him and the maſter of the Barque to remaine aſhoare whilſt we might bring his ſailes aſhoare the better to aſſure us of his ſhip & ſuch proviſions as could be ſpared, whereunto he ſeemed willingly to condeſcend. Thoſe proviſions, at a ſmall allowance of Biskett, cake, and a ſmall meaſure of wine or beere to each perſon for a Daye ſome what relieved us for the ſpace of a month, at the end of which time arrived the thirde ſupplie, called Sir *Thomas Gates*, his fleet, which conſiſted of ſeaven ſhippes & neere five hundred perſons with whom a ſmall proportion of victuall, for ſuch a number, was landed; howſes few or none to entertain them, ſo that being quartered in the open ſeilde they fell uppon that ſmall quantitye of corne, not beinge above ſeaven acres, which we with great penury & ſufferance had formerly planted, and in three days, at the moſt, wholly devoured it.

Theſe numbers, thus meanly provided, not being able to ſubſiſt and live together weare ſoone after devided into three parties and diſperſed abroad for their better reliefe. The firſt under commande of Captaine *Francis Weſt* to ſeat at the head of the River; a ſecond under commande of Captaine *John Smith*, the Preſident, at *James Towne*, & the other, with Capt. *John Martin*, in the River at *Nanſamun*, which diviſions gave occaſions to the Indiens treacheroufly to cutt off divers of our men & boates, and forced the reſt at the end of ſixe weekes, havinge ſpent thoſe ſmall proviſions they had with them, to retire to *James Town* & that in the depth of winter, when by reaſon of the colde, it was not poſſible for us to endure to wade in the water (as formerly) to gather oyſters to ſatisfie our hungry ſtomacks, but conſtrained to digge in the grounde for unwholeſome rootes whereof we were not able to get ſo many as would ſuffice us, in reſpect of the froſt at what ſeaſon & our poverty & weakneſs, ſo that famine compelled us wholly to devoure thoſe Hogges, Dogges & horſes that weare then in the Collony, together with rates, mice, ſnakes, or what vermin or carryon ſoever we could light on, as alſoe Toadſtooles, Jewes eares, or what els we founde growing upon the grounde that would fill either mouth or belly; and weare driven through unſufferable hunger unnaturallie to eat thoſe thinges which nature moſt abhorred, the fleſh and excrements of man, as well of our owne nation as of an Indian, digged by ſome out of his grave after he had laien buried three daies & wholly devoured him; others, envyinge the better ſtate of bodie of any whom hunger had not yet ſo much waſted as there owne, lay waight and threatened to kill and eat them; one amonge the reſt ſlue his wife as ſhe ſlept in his boſome, cutt her in peeces, powdered her & fedd uppon her till he had clean devoured all partes ſaveinge her heade, & was for ſoe barbarouſe a fact and cruelty juſtly executed. Some adventuringe to ſeeke releiſe in the woods, dyed as they fought it, & weare eaten by others who found them dead. Many putt themſelves into the Indians handes, though our enemies, and were by them ſlaine. In this extremitye of famine continued the Collony till the twenteth of *Maye*, when unexpected, yet happely, arrived Sir *Thomas Gates* & Sir *George Somers* in two ſmall Barques which they built in the *Sommer* Iſlands after the wreake of the Sea adventure wherin they ſett forth from *Englande*, with them one hundred perſons barely provided of vittel for themſelves. They founde the Collony conſiſtinge then of but ſixty perſons moſt famiſhed and at point of death, of whom many ſoone after died; the lamentable outcries of theirs ſoe moved the hartes of thoſe worthies, not being in any forte able long to releive their wantes they ſoone reſolved to imbarque themſelves & this poore remainder of the Collonye, in thoſe two pinnaces & two other ſmall Barques then in the River, to ſett ſaile for *Newfoundland* where they might releive their wants & procure one ſafer paſſage for *Englande*. Every man, glad of this reſolution, laboured his uttmoſt to further it, ſo that in three weekes we had fitted thoſe barques and pinnaces (the beſt we could) & quitted *James Towne*, leaving the poore buildings in it to the ſpoile of the Indians, hopeinge never to retorne to re-poſſeſs them. When we had not ſailed downe the River above twelve miles but we eſpied a boat which afterwards we underſtoode came from the right Honourable Lorde *La Ware*, who was then

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then arrived at *Point Comfort* with three good ſhipps, wherin he brought two hundred and fifty perſons with ſome ſtore of Proviſions for them; but by reaſon he founde the Collony in ſo great want was forced to put both his owne people & the reſt of the Collony to a very meane allowance, which was ſeven pounde of *Engliſh* meale for a man a weeke, & five pounds for every woman, without the addition of any victuall whatſoever, except, in the ſtead of meale, we took valuablie either peaſe or oatmeale. Uppon the arrival of that boat, Sir *Thomas Gates* underſtandinge from the Lord *La Ware*, that his Lordſhip was arrived with commiſſion from the Company to be Gov^{r} & Capt. Gen^{l} of *Virginia*, & had brought men & proviſions for the ſubſiſtinge & advancing of the Plantation, he the very next daye, to the great griefe of all his Company (only except Capt. *John Martin*), as winde and weather gave leave, retorned his whole company with charge to take poſſeſſion againe of thoſe poore ruinated habitations at *James Towne* which he had formerly abandoned; himſelfe in a boate proceeded downeward to meete his Lordſhip who, making all ſpeede up, arrived ſhortly after at *James Towne*. The time of the yeare being then moſt unſeaſonable, by intemperate heat, at the end of *June* his people ſuddenly falling generally into moſt peſtilent diſeaſes of Callentures and feavors, not leſſe then one hundred & fifty of them died within few moneths after, & that chiefly for want of meanes to comfort them in their weak eſtates. The reſidue alſoe diſabled by reaſon of ſicknes could performe nothing that yeare to the advancement of the Collony, yet with the help of thoſe people which had arrived with Sir *Thomas Gates*, together with ſome of the ancient Planters, who by uſe weare growen practique in a hard way of livinge, two ſmall forts weare erected neare the rivers mouth at *Kicoughtun*, encompaſſed with ſmall younge trees, haveinge for houſing in the one, two formerlie built by the Indians & covered with bark by them, in the other a tent with ſome few thacht cabbins which our people built at our comming thether. We founde divers other Indian Howſes built by the natives which by reaſon we could make no uſe of we burnt, killinge to the number of twelve or fourteene Indians, & poſſeſſinge ſuch corne as we founde growinge of their plantinge. We remained there untill harveſt, when we reaped (beſides what we ſpent) about the quantitie of one hundred and fiftie buſhells of corne, which, by order from the Lord *La Ware*, was tranſported to *James Towne*.

His Lordſhip intendinge to ſend up certain forces to march towardes the mountaines for the diſcoverie of gold or ſilver mines at the end of *October*, ſent his Patents to Captaine *Yardley* and Captaine *Holcroft*, commanders of thoſe two forts at *Kicoughtan*, wherin his Lordſhip gave order that they ſhould be forthwith abandoned & the people with all ſpeede to be brought to *James Citie*, there to prepare for his intended march.

At that time there arrived a ſmall ſhip call the *daintie*, with twelve men & one woman, ſome little proviſion of victuall, two or three horſes & ſome other ſlight neceſſaries for the Collony. Soon after we ſett forward for our intended march, havinge for our leaders Captaine *Edwarde Brewſter* & Captaine *George Yeardley*, being in number one hundred perſons, furniſhed with all ſuch neceſſary proviſions, as the Collony at that time out of its poverty was able to provide. This deſigne was hindered by reaſon of the unfortunate loſſe of all our chieffe men skillfull in findeinge out mines, who weare treacherouſly ſlaine by the Salvadges (inviteinge them aſhoare to eat victualls which they wanted) even when the meate was in theire mouthes, they careinge only to fill their bellies, foreſaw not to prevent this danger which befell them.

This injury we revenged for the preſent (as we coulde) by killinge ſome Indians and burninge many houſes, but by reaſon of this diſaſter we proceeded not farther on our journey then the head of the River, where we ſpent about three moneths doinge little but induringe much; his Lordſhip was there in perſon for the moſt part of that time, but his deſeaſe of body groweinge much upon him he reſolved to retire to *James Towne*, givinge order that the fort which we had built there ſhoulde bee quitted and the troupe drawn downe, which accordingly was done. His Lordſhip then in regarde of his ſickneſs was adviſed to putt to Sea in his ſhip, the *Delaware*, to ſeeke remedie in ſome other parts for the health of his bodye. At his going he left Captaine *George Percie*

Deputie

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Deputie Governor, the people (remaining under his command) provided for three months at a ſhort allowance of victuals. The calamities of theſe times would not any way permit workes of great importance to bee performed, ſith that we did was as much as we coulde doe to live and defende our ſelves.

The Plantations helde at his Lordſhips departure were only *James Towne* and *Pointe Comforte*, where a ſmall Fort fenced with Paliſadoes, in it one ſlight howſe, a ſtore and ſome few thatcht cabbins, which ſhortly after by caſualtie was burnt with fire; ſome few great ordinance were ſlenderlye mounted at *James Towne* and *Pointe Comfort*.

A fortnight after his Lordſhips departure arrived a ſmall ſhip called the *Hercules*, with ſome thirty people and ſome proviſions for them. The twelve of *May* followeinge arrived Sir *Thomas Dale* with three ſhips and three hundred perſons, his proviſions for them of ſuch qualitie (for the moſt part) as hogges refuſed to eat, ſome whereof were ſent backe to *England* to teſtifie the ſame, and that the reſt was not better was juſtified upon oath before the Hono^ble^ the Lorde Cheife Juſtice of the Common Pleas, at *Guilde hall* in *London*, by Sir *Thos. Gates* & two other gentlemen.

Sir *Thomas Dale*, takinge into conſideration the precedent times not to have ſucceeded accordinge to the greedy deſire of Sir *Thomas Smith*, preſently imployed the general Colony about the lading of thoſe three ſhips with ſuch freight as the country then yealded, but a little before the ſhips were readie to depart, Sir *Thomas Gates* arrived with three ſhips and three carvills, with him three hundred perſons meanly provided with victualls for ſuch a number. In this fleet, to our remembrance arrived ſixtie cowes and ſome ſwine; it was his care to diſpatch thoſe ſhipps and carvills fraighted (as aforeſaid) to the neglect of workes of greater importance. Sir *Thomas Dale* imediately uppon his arrival, to add to that extremitye of miſerye under which the Collonye from her infancie groaned, made and publiſhed moſt cruell and tiranous lawes, exceeding the ſtricteſt rules of mariſhall diſcipline, which lawes were ſent over by Sir *Thomas Dale* to Sir *Thomas Smith* by the hande of M^r^ *William Starchey*[1], then Secretarie to the State, and were retorned in print, with approbation, for our future government, as in divers bookes yet extant more fully appeareth.

At *Michaellmas* then next following, Sir *Thomas Dale* removed himſelf with three hundred perſons for the buildinge of *Henrico* Towne, where being landed he oppreſſed his whole companye with ſuch extraordinarye labors by daye and watchinge by night, as maye ſeeme incredible to the eares of any who had not the experimentall triall thereof. Wante of houſes at firſt landinge in the colde of winter, and pinchinge hunger continually bitinge, made thoſe impoſed labours moſt inſufferable, and the beſt fruits and effects thereof to be noe better then the ſlaughter of his Majeſtys free ſubjects by ſtarveinge, hangeinge, burneinge, breakinge upon the wheele and ſhootinge to deathe, ſome (more than halfe famiſhed) runninge to the Indians to gett reliefe beinge againe retorned were burnt to death. Some for ſtealinge to ſatisfie their hunger were hanged, and one chained to a tree till he ſtarved to death; others attemptinge to run awaye in a barge and a ſhallop (all the Boates that were then in the Collonye) and therin to adventure their lives for their native countrye, beinge diſcovered and prevented, were ſhott to death, hanged and broken upon the wheele, beſides continuall whippings, extraordinary puniſhments, workinge as ſlaves in irons for terme of yeares (and that for petty offences) weare dayly executed. Many famiſhed in holes and other poore cabbins in the grounde, not reſpected becauſe ſicknes had diſabled them for labour, nor was their ſufficient for them that were more able to worke, our beſt allowance being but nine ounces of corrupt and putrified meale and halfe a pinte of oatmeale or peaſe (of like ill condition) for each perſon a daye. Thoſe proviſions were ſent over by one *Winne* a Draper, and *Cafwell*, a baker, by the appointment (as we conceave) of Sir *Thomas Smith*. Under this Tiranus Government the Collony continued in extreame ſlavery and miſerye for the ſpace of five yeares, in which time many, whoſe neceſſities enforced the breach of thoſe lawes by the ſtrictneſs and ſeveritye thereof, ſuffered death and other puniſhments. Divers

[1] This ſhould be "*Strachey*".

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Divers gentlemen both there and at *Henrico* towne, and throughout the wholl Collonye (beinge great adventurers and no frendes or alliance to Sir *Thomas Smith*) weare feeling members of thofe generall calamities, as far forth as the meaneft fellow ſent over.

The buildings and fortifications of that Towne, or thereabouts, were noe way extraordinary, neither could want, accompanied with bloode and crueltie, effect better.

Fortification againſt a foreign enemy there was none, only two or three peeces of ordenance mounted, and againſt a domiſtic noe other but a pale incloſinge the Towne to the quantitye of foure acres, within which thofe buildings that weare erected, coulde not in any mans judgement, neither did ſtande above five yeares and that not without continuall reparations; true it is that there was a Bricke Church intended to be built, but not ſoe much as the foundation thereof ever finiſhed, but we contentinge our ſelves with a church of wood anſwerable to thofe houſes. Many other workes of like nature weare by him donne at *Henrico* and the precincts thereof, but ſo ſlightly as before his departure hence, he himſelf ſaw the ruine and deſolation of moſt of them.

Sir *Thomas Gates* likewiſe in his time erected ſome buildinges in and about *James Towne*, which by continuall coſt in repaireinge of them doe yet for the moſt part in ſome ſort remaine.

A framed Bridge was alſoe then erected, which utterly decayed before the end of Sir *Thomas Smiths* government, that being the only bridge (any way ſoe to be called) that was ever in the country. At this time in all theſe labours, the miſerye throughout the wholl Collony, in the ſcarcitye of foode was equall; which penurious and harde kinde of liveinge, enforced and emboldened ſome to petition to Sir *Thomas Gates* (then Governor) to grant them that favor that they might employ themſelves in huſbandry, that therby they and all others by plantinge of corne, might be better fed then thoſe ſupplies of victual which were ſent from *Englande* woulde afforde to doe, which requeſt of theirs was denied unleſſe they woulde paye the yearlye rent of three barrels of corne and one monthes worke to the Collonye, although many of them had been imployed in the general workes and ſervices of the Collony from the beginninge of the Plantation, which harde condition of Tenantſhip was then accepted rather then they woulde continue in thoſe general ſervices and employments noe waye better then ſlavery. Moſt part of the time that Sir *Thomas Gates* and Sir *Thos. Dale* governed we were at warre with the natives, ſo that by them divers times were many of our people ſlaine, whoſe blood Sir *Thomas Dale* neglected not to revenge, by divers and ſundry executions, in killinge many, cuttinge downe and takinge away their corne, burninge their houſes, ſpoiling their weares, &c.

In this time alſoe the two fortes, fort *Henry* and fort *Charles*, at *Kicoughton*, were againe erected with ſuch buildings as were formerly expreſſed, not fortified at all againſt a forreine enemye, and againſt the Indian that common order of a pale or pallifadoe.

The ſupplies ſent out of *Englande* while Sir *Thos. Gates* and Sir *Thos. Dale* governed were theſe; a ſmall barque called the *John* and *Francis*, which brought few men and leſs victual; the next a ſmall ſhip called the *Sarah*, with the like number of men and victuall; the next ſhip called the *Treſorer*, wherin came Capt. *Samuell Argoll*, bringinge with him to the number of fiftie good men, which ſhip and men were wholly imployed in Trade and other ſervices for relevinge of the Collonye; the next ſhip, called the *Elizabeth*, with about thirteene perſons, for them little proviſion; the next the ſame *Elizabeth* came againe, with ſome ſmall ſtore of proviſions only; in her Sir *Thos. Gates* went for *Englande*, leavinge the government with Sir *Thomas Dale*.

A little before the departure of Sir *Thomas Gates* many of the ancient planters (by the inſtigation of Sir *Thomas Dale*), uppon the promiſe of an abſolute freedome after three yeares more to be expired (havinge moſt of them already ſerved the Collonye ſix or ſeaven yeares in that general ſlavery) were yet contented to worke in the buildinge of *Charles Citty* and Hundred, with very little allowance of clothinge and victuall, and that only for the firſt yeare, being promiſed one moneth in the yeare, and one daye in the weeke from *Maye* daye till harveſt, to gett our maintenance out of the earth without any

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any further helpe; which promiſe of Sir *Thos. Dale* was not performed, for out of that ſmall time which was allowed for our maintenance we were abridged of nere halfe, ſoe that out of our daily taskes we were forced to redeeme time wherin to labour for our ſuſtenance, thereby miſerably to purchaſe our freedome. Yet ſo fell it out that our State (by Gods mercy) was afterwardes more happie then others who continued longer in the aforementioned ſlaverye; in which time we built ſuch houſes as before and in them lived with continual repairs, and buildinge new where the old failed, untill the maſſacre.

For matter of fortification in all this time, were only foure peeces of ordinance mounted for our defence againſt the natives. Soone after we weare ſeated at *Charles Hundred*, Sir *Thomas Dale* reſolved of a journey to *Pamonkey* River, there to make with the Salvadges either a firme league of friendſhip or a preſent warre; they percieving his intent inclined rather for peace (more for feare then love) which was then concluded betwixt them. That donne we retorned to our habitations where great want and ſcarcitye, oppreſſed us, that continuinge and increaſinge, (our firſt harveſt not yet being ripe) cauſed in many an intended mutinye, which beinge, by Gods mercy, diſcoverred, the prime actors were duly examined and convicted, wherof ſixe beinge adjudged and condemned were executed.

After this, arrived for ſupply a ſmall ſhip called the *John* and *Francis*, with about twenty perſons and little or noe proviſions for them. The next ſhip, called the *Treforer*, arived heere with the number of twenty perſons and as little proviſions as the former, in which ſhip after many other deſigned were effected by Sir *Thos. Dale*, as makinge ſpoile of the *Kefchiacks* and *Warifcoyacks*, impaling ſome necks of Lande, for defence againſt the Salvadges, and in fiſhing for our reliefe, &c., he departed from *Virginia*, and left the Government to Captain *George Yardley*, under whom the Collony lived in peace and beſt plentye that ever it had till that time, yet moſt part of the people for that yeare of his Government continued in the generall ſervices followinge their labors as Sir *Thos. Dale* left them by order.

At *Michaelmas* followinge arrived a ſmall ſhip called the *Sufan*, her lading (beinge the firſt Magazin) conſiſtinge of ſome neceſſarye proviſions of clothinge, as our wants required, which goods were ſould by Sir *Thos. Smith*'s factor, as we ſuppoſe, for a ſufficient proffit, exchanginge with us their commodities for our Tobacco.

At *Chriſtmas* then followinge, juſt occaſion beinge given by the Indians of *Chiquohomini* in many and ſeveral kindes of abuſes, and in deridinge of our demandes, wherunto they had formerly agreed and conditioned with Sir *Thomas Dale* to paye us yearlye tribute, *viz:* a buſhell of corne for every Boweman, for which, by agreement, we were to give to each man one peece of copper and one iron tomahawke, and to the eight chiefe men each a ſuit of redd cloth, which clothes and truckinge ſtuffe we eſteemed of more worth then their corne. Theſe and the like groſſe abuſes moved our Governor, Captaine *George Yeardley*, to levye a company of men, to the number of eighty-four, to bee revenged uppon thoſe contemptous Indians, which he, accordinge to his deſire, fully executed, and returned home with the ſpoile of them: concludinge, before his departure from them, a more firme league in appearance than formerly was, for that it continued unviolated almoſt the ſpace of two yeares; our people freely travelinge from Town to Towne (both men, women and children) without any armes, and were by the Salvadges lodged in their houſes, every way kindly intreated and noe way moleſted.

In *March* followinge, our three yeares time beinge expired, as it was our due, we of *Charles Hundred* demanded our long deſired freedome from that common and general ſervitude; unto which requeſt Captaine *George Yeardley*, freely and willingly aſſented, to our great joy and comfort. Yet remained the moſt part of the Collony in the former ſervitude; part of whom were farmers, the reſt imployed in ſuch workes as Sir *Thomas Dale* gave order for before his departure.

We that were freed, with our humble thankes to God, fell cheerfully to our perticular labours, wherby to our great comfort, through his bleſſinge, we reaped a plentifull harveſt.

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In *May* followinge arived Captain *Samuel Argoll* with commiſſion to be Governor. He brought with him to the number of a hundred perſons, partly at the charge of the Company and partly at the charge of private adventures; with them was brought a very little proviſion for that nomber. At his arrival heere he founde the Collony in all parts well ſtored with corne, and at *Charles Hundred* a granery well furniſhed by rentes lately raiſed and received from the farmers, which corne he tooke poſſeſſion of, but how it was imployed himſelfe can beſt give an account. Whileſt he governed, the Collony was ſtenderly provided of munition, whereby a ſtrict proclamation was made for reſtraint of waſtinge or ſhooting away of powder, under paine of great puniſhment; which forbiddinge to ſhoot at all in our peeces cauſed the loſſe of much of oure corne then growinge uppon the grounde; the Indians perceivinge our forbearance to ſhoote (as formerly) concluded thereuppon that our peeces were, as they ſaide, ſicke and not to be uſed; uppon this, not longe after they were boulde to preſume to aſſault ſome of our people, whom they ſlew, therin breakinge that league, which before was ſo fairly kept.

Duringe his time of Government moſt of the people of the Collony remained (as formerly) in the common ſervice, their freedome not beinge to be obtained without extraordinary payement.

The next ſhip that arrived heere was the *George*, ſett forth, as we ſuppoſe, at the charge of private adventurers, but came ſoe meanly provided with victuall, that had not we, the old Planters, relieved them moſt of them had been ſtarved. The next ſhips, called the *Neptune* and *Treaſurer*, arived in *Auguſt* followinge, ſet out at the charge of the Right Hono^ble^ the Lord *Laware*, his noble aſſociates, and ſome other private adventurers. The people w^ch^ arived were ſoe poorely victualled that had they not been diſtributed amongſt the old Planters they muſt for want have periſhed; with them was brought a moſt peſtilent diſeaſe (called the Bloody flux) which infected all moſt all the whole Collonye. That diſeaſe, notwithſtanding all our former afflictions, was never knowne before amongſt us.

The next ſupply weare two ſhips called the *William & Thomas* and the *Guift*, which arived in *Januarie;* the *Guift* beinge ſett forth at the charge of the Societie of *Martins Hundred*, the other by the Magazin and ſome private adventurers.

The next, a ſmall ſhip called the *Elinor* (ſett forth at whoſe charge we know not), arived heere in *Aprill* after, and in her Capt. *Samuell argoll*, leaving his Government, ſhipt himſelfe for *Englande*. Whatſoever els befell in the time of his Government we omit to relate, much beinge, uppon our oathes, alreadie ſufficiently examined and our anſwers ſent for *Englande*.

By all which hath heertofore beene ſaide concerninge this Collony, from the infancie thereof and untill the expiration of Sir *Thomas Smiths* government, may eaſily be perceived and plainly underſtood what juſt cauſe he or any els have to boaſt of the flouriſhing eſtate of thoſe times, wherin ſo great miſeries and callamities were indured, and ſoe few werkes of moment or importance performed, himſelfe beinge juſtly to be charged as a prime author thereof, by his neglect of providinge and alloweinge better meanes to proceede in ſo great a worke, and in hindering very many of our frendes from ſendinge much releife and meanes who beinge earneſtly ſolicited from hence by our letters—wherin we lamentablie complained unto them—have often beſought Sir *Thomas Smith* that they might have leave to ſupplie us at their owne charge both with proviſion of victuall and all other neceſſaries, wherin he utterlie denied them ſo to doe, proteſtinge to them that we were in noe want at all, but that we exceeded in abundance and plentie, of all things, ſo that therby our frendes were moved both to deſiſt from ſendinge and to doubt the truth of our letters, moſt part of which weare by him uſually intercepted and kept backe; farther giveinge order by his directions to the Governor heere, that all mens letters ſhould be ſearched at the goinge away of ſhips, and if in anye of them weare founde that the true eſtate of the Collony was declared, they were preſented to the Governor and the indighters of them ſeverely puniſhed; by which meanes noe man durſt make

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make any true relation to his frendes of his owne or the Collonyes true eſtate; neither was it permitted to anye to have paſſe to goe home, but by force were kept heere and employed as we have ſaide (ſave ſome few), one of whom receved his paſſe from the Kinge, and that cloſely made up in a garter, leaſt it ſhould have been ſeized uppon and he kept heere notwithſtandinge. Thoſe whom their frendes procured their paſſe in open courte from the Companye were, by private direction, nevertheleſſe made ſtaye of, others procuringe private letters having been lett goe.

We muſt alſoe noat heere, that Sir *Thos. Dale*, at his arivall finding himſelf deluded by the aforeſaid proteſtations, pulled Capt. *Newport* by the beard, and threatninge to hang him, for that he affirmed Sir *Thos. Smiths* relation to be true, demandinge of him whether it weare meant that the people heere in *Virginia* ſhoulde feed uppon trees.

Soe may we heere conclude, as ſome have concluded for him, to what great growth of perfection (with the expence of that ſeaventie thouſand poundes) the Plantation was advanced in the time of his 12 years government, but whether, as it is ſaide, he be to be praiſed for the managaing of theſe affaires, with much unanimity, moderation, integritie and judgment, we leave it to cenſure.

At the end of this twelve yeares arived Sir *George Yeardley* to be Gov^{r} and founde the Collony in this eſtate and thus furniſhed, *viz^{t}*: For fortification againſt a forreign ennemie there was none at all; two demy culverin only were mounted uppon rotten carriages and placed within *James Citty*, fitter to ſhoot downe our houſes then to offend an ennemie. At *Charles Hundred*, which were mounted by Sir *Thos. Dale*, two demy culverin and one ſacre; fortifications againſt a domeſtique enimie very mean. For Forts, Towns and Plantations he founde theſe: *James Citty*, *Henrico*, *Charles Citty* and *Hundred*, *Shirley Hundred*, *Arrahattock*, *Martin Brandon* and *Kicoughton*, all w^{ch} were but poorely houſed and as ill fortified; for in *James Cittie* were only thoſe houſes that Sir *Thom. Gates* built in the time of his government, with one wherin the Gov^{r} allwayes dwelt, an addition beinge made thereto in the time of Captaine *Sam^{l} Argoll*, and a church, built, wholly at the charge of the inhabitants of that cittie, of Timber, beinge fifty foote in length and twenty foot in breadth; at *Paſpahayes* alſoe weare ſome few ſlight houſes built; at *Henrico*, two or three old howſes, a poore ruinated church with ſome few poore buildings in the Iſland; *Coxen Dale* and the Maine and att *Arrahatocke* one houſe, at *Charles Cittie* ſixe howſes much decayed, and, that we may not be too tedious, as theſe ſoe were the reſt of the places furniſht.

For people then alive about the nomber of foure hundred, very many of them in want of corne, utterlie deſtitute of cattle, ſwine Poultrie and other Proviſions to nouriſh them.

For Barques, Pinnaces, Shallops, Barges and Boates he founde only one olde Frigott, which belonged to the *Sommer* Iſlandes, one olde Shallopp built in Sir *Thos. Dales* time, one boat built in Sir *Saml Argolls* time, with two ſmall boates belonginge to private men. For munition a very ſmall quantitye, the moſt part thereof beinge very bad and of little uſe. For miniſters to inſtruct the people he founde only three authorized, two others who never received their orders.

For ſtaple commodities at his arrivall he founde none afoot ſave only Tobacco. The natives he founde uppon doubtfull termes, neither did we ever perceive that at any time they voluntarilie yealded themſelves ſubjects or ſervants to our Gracious Soveraigne, neither that ever they tooke any pride in that title, nor paide they at any time any yearly contribution of corne for the ſuſtentation of the Collony, nor could we at any time keepe them in ſuche goode reſpect or correſpondencie that they and we did become mutuallie helpful or proffitable, each to other, but to the contrary, whatſoever at any time was done uppon them proceeded from fear without love, for ſuch help as we have had from them have been procured by ſworde or trade. And heere can we noe way approve of that which hath lately beene ſaide in the behalfe of Sir *Thos. Smith*, by ſome of his new frendes, that a flouriſhinge plantation in *Virginia*, erected in the time of his 12 yeares government, hath ſince been diſtroyed through the ignorance of ſucceedinge

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ceedinge Governors heere, for that by what we have already ſaide all the worlde may judge in what a flouriſhinge eſtate it was, and to what growth of perfection it was advanced, at the arivall of Sir *Geo. Yeardley* to be Gov^r^ here, it beinge then in our judgements, that were members of the colony, in a poore eſtate.

The whole 12 yeares expired.

Aprill, 1619.—Arived Sir *Geo. Yeardeley*, bringing certain commiſſions and inſtructions from the Company for the better eſtabliſhinge of a Commonwealth heere, wherin order was taken for the removing of all thoſe grievances which formerly were ſuffred and manifeſted the ſame by publiſhinge a Proclamation that all thoſe that were reſidend heere before the departure of Sir *Thos. Dale* ſhould be freed and acquitted from ſuch publique ſervices and labours which formerly they ſuffered, and that thoſe cruell lawes by which we had ſoe longe been governed were now abrogated, and we were now to be governed by thoſe free lawes which his Ma^tie^ ſubjects live under in *Englande*. And farther that free libertie was given to all men to make choice of their dividents of lande and, as their abilities and meanes w^d^ permitt, to poſſeſſe and plant uppon them. And that they might have a hande in the governinge of themſelves, it was granted that a general aſſemblie ſhould be helde yearly once, wherat were to be preſent the Gov^r^ and Counſell with two Burgeſſes from each Plantation freely to be elected by the inhabitants thereof; this aſſembly to have power to make and ordaine whatſoever lawes and orders ſhould by them be thought good and proffittable for our ſubſiſtance. The effect of which proceedinge gave ſuch incouragement to every perſon heere that all of them followed their perticular labours with ſingular alacrity and induſtry, ſoe that, through the bleſſinge of God uppon our willinge labors, within the ſpace of three yeares, our countrye flouriſhed with many new erected Plantations, from the head of the River to *Kicoughtan*, beautifull and pleaſant to the ſpectators, comfortable for the releife and ſuccor of all ſuch as by occaſion did travaile by land or by water; every man giveinge free entertainment, both to frendes or others. The plenty of theſe times likewiſe was ſuch that all men generally were ſufficiently furniſhed with corne, and many alſoe had plenty of cattle, ſwine, poultry and other good proviſions to nouriſh them. Monethly courtes were held in every precinct to doe juſtice in redreſſinge of all ſmall and petty matters, others of more conſequence being referred to the Gov^r^, Counſell and Generall Aſſemblie. Now alſoe were begunne and ſett a foote the erectinge of Iron Workes, plantinge of vines and mulberrie trees for the nouriſhinge of ſilke wormes; a trial made for ſilke graſſe tillage for *Engliſh* graine, gardeninge, and the like, which gave great hopes of preſent and future plenty in their ſeverall perticulars, wherin no doubt but much more had been effected had not great ſickneſs and mortalitie prevented.

Thoſe years fallinge out to be generally contagious through this contient, the people alſoe ſent over arrived heere at the moſt unſeaſonable time of the yeare, beinge at the heat of Sommer, and divers of the ſhips brought with them moſt peſtilent infections, wherof many of their people had died at Sea, ſoe that theſe times alſoe of plenty and libertie were mixed with the calamities of ſicknes and mortalitie.

In *October*, 1621, Arived Sir *Fras. Wyatt*, Knight, with commiſſion to be Gov^r^ and Capt. Gen^l^ of *Virginia*. He ratified and confirmed all the afore mentioned liberties, freedomes and priveledges, to our great happines and content; the country alſoe flouriſhed and increaſed in her former proceedinges, as iron workes, plantinge of vines and mulberrie for ſilke, &c. A ſhip alſoe was ſent to the *Summer* Iſlandes for ſuch commodities as that place afforded, as Potatoes, Fig Trees, Orange and Lemon Trees, and ſuch like, many of which proſper and growe very likely to increaſe. But amidſt this happines was the Hande of God ſett againſt us, in great part, no doubt, for the puniſhment of our ingratitude in not being thankefull but forgettfull that by his mercye we were delivered from ſuch bondage and calamitie as before time we had ſuffered. Juſtly likewiſe were we puniſhed for our greedy deſires of preſent gaine and profit, wherin many ſhowed themſelves inſatiable and covetous; we beinge too ſecure in truſtinge of a treacherous enimie, the Salvadges, they, whileſt we entertained them frendly in our houſes, tooke their opportunities and ſuddenly fell upon us, killing and murdering very

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very many of our people, burninge and devaſtinge their houſes and plantations, this happeninge uppon the two and twenteth of *March* followinge (1622), ſtroocke ſo at the life of our wellfare by blood and ſpoile, that it almoſt generally defaced the beautie of the wholl Collonye, puttinge us out of the way of bringinge to perfection thoſe excellent workes wherin we had made ſoe faire a beginninge.

This deadly ſtroake being given to the great amazement and ruine of our State, cauſed our Governor and Counſell, withall ſpeede, for the ſafetie of the reſt (leſt the Indians ſhoulde take courage to purſue what they had begunne), to re-collect the ſtraglinge and woefull Inhabitants, ſoe diſmembered, into ſtronger bodies and more ſecure places. This enforced reducement of the Collony into fewer bodies, together with the troble of warre then in hande, cauſed the year following a ſlender harveſt to be reaped, whereby we weare conſtrained to relye upon hopes for our reliefe by ſhippinge out of *Englande*, and by trading with the more remote Salvadges, moſt part of which ſupplies from *Englande* unfortunately miſcarried by the waye, the Salvadges, likewiſe, from whome we hoped to have helpes by trade, proved our moſt treacherous ennemies, cunninglye circumventinge and cruellie murderinge ſuch as were employed abroade to gett reliefe from them, by all which miſaccidents we fell that yeare into great want and ſcarcitye; which ſince, by the bleſſinge of God, through our ſupplies we have had from the Company, together with a plentifull harveſt, hath bene abundantly reſtored. Our Gov^{r}, Counſell and others have uſed their uttermoſt and Chriſtian endeavours in proſequtinge revenge againſt the bloody Salvadges, and have endeavoured to reſtore the Collonye to her former proſperitye, wherin they have uſed great diligence and induſtrye, imployinge many forces abroade for the rootinge them out of ſeverall places that therby we may come to live in better ſecuritie, doubtinge not but in time we ſhall clean drive them from theſe partes, and therby have the free libertie and range for our cattle, the increaſe of whom may bringe us to plentie, and maye alſoe more freely goe on againe with ſetting up thoſe ſtaple commodities which we hoped by this time to have brought to good perfection.

For the ſupplies ſhippinge, men, cattle and proviſions that have arived heere ſince Sir *Thomas Smith* left his government we can not nowe well reckon up, they beinge manye, but muſt referre you to the printed bookes and to the Lifts and Invoices retorned by Sir *Geo. Yeardley*.

For the State of the Collony at this preſent we leave to the report of ſuch commiſſioners as are nowe ſent over by the Right Hon. the Lordes of his Ma^{ties} privie counſell.

This being reade in the Gen^{l} Aſſemblie received full approbation.

[From the *Bancroft* Tranſcripts, *New York* Public Library, II, 377-379.]

To the Right Wor^{ll} S^{r} Francis Wyatt *Knight, Governo^{r} and Capt. Generall of* Virginia *and to the right Wor^{ll} and others of the Generall Aſſemblie.*

WHEREAS out of his Ma^{ties} gratious care for the good of this Plantation, it hath pleaſed theire Lo^{ps} of his Ma^{ties} moſt hono^{ble} Privie Counſell to comand us to give them true and particuler notice of the preſent eſtate of the ſame, in divers conſiderable points, ſome whereof may beſt be reſolved by this worthie Aſſembly; our earneſt deſire is, youe would be pleaſed to deliver unto us yo^{r} opinion in writtinge to theſe foure popoſitions. *Viz.*

1. What places in the Cuntrie are beſt or moſt proper to be fortified or mantained either againſt Indians or other enemies that may come by Sea.
2. How the Collony now ſtands in reſpect of Savadges.
3. What hopes may truly and really be conceived of this Plantation.
4. And laſtly w^{ch} be the directeſt meanes to attaine to thoſe hopes.

John Harvey. *Jo. Porey.*
Abrah: Perſey. *Sam: Mathewes.*

Concordat cum originali

Ed: Sharples. Cler:

[From

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[From the *Bancroft* Tranſcripts, *New York* Public Library, II, 381-390.]

March 2, 1623.

The Generall Aſſemblies Replie to thoſe foure propoſitions made unto them by the Comiſſion^rs to bee preſented to the Lordes of his Ma^ties moſt hono^ble Privie Counſell.

1. WHAT places in the Country are beſt or moſt proper to bee fortefied or mainteyned, againſt Indians or other enimies that may come by ſea.

Pointe Comfort is of moſt uſe but of great charge and difficultie. *Warifcoyake* where the fortification was intended more effectuall to ſecure the places above y^t from *Wyanoake* mariſh upwardes there are divers places w^ch may peremptorily comande Shippinge or Boates: the beſt againſt the Indians and moſt of uſe for the future increaſe of plentie, is the wininge of the forreſt by runinge of a pale from *Martins* hundred to *Chiskiacke* w^ch is not above ſixe miles: and plantinge uppon both rivers, the river of *Pamunkey* beinge alſoe more defenſible againſt a forrein enymie.

2. Howe the Collony nowe ſtandes in reſpect of the Salvages. The termes betwixt us and them are irreconciliable, the charge of driveinge them awaye, w^ch woulde reduce us to a better eſtate then wee weare in before the maſſacre, ſoe great as yt is to wayghtie for us to ſupport though hitherto we have doune whatſoever yt was poſſible for our meanes and numbers to effect, an enimye from whom there is noe ſpoile to bee expected, the advantage of the woodes and the nymblenes of their heeles preventes execution; the harmes that they doe us is by ambuſhes and ſuddein incurſions where they ſee their advantages, we never ſince the maſſacre haveinge loſt one man in any expedition againſt them, the inconveniencyes that wee receive from them are of farre more conſequence; we have not the ſafe range of the Country for increaſe of Cattle, Swyne &c nor the game and foule w^ch the Country affordes in great plentye; beſides our duties to watch and warde to ſecure our ſelves and lab^ers are as harde and chargeable, as if the enymie weare at all tymes preſent.

3. What hopes may truly and really bee conceived of this Plantation:

We houlde yt to be one of the goodlyeſt partes of the earth aboundinge w^th navigable Rivers full of variety of fiſh and foule, fallinge from high and ſteepe mountaines, w^ch by the generall Relation of the Indians are rich w^th mines, Golde, Silver and Copper, an other Sea lyeinge w^thin ſixe dayes jorney beyonde them into w^ch other Rivers deſcende. The ſoyle fruitfull and apt to produce the beſt ſortes of Comodities, repleniſhed w^th many trees for ſeverall uſes, gumes, dyes, earths and ſimples of admirable vertue, vines and mulburitrees groweinge wilde in great quantities the woods full of deare, Turkies and other beaſts and birdes: for more perticuler relation we referr you to the reportes of S^r *Thomas Gates* and S^r *Thomas Dale* made unto the Company concerneinge thoſe praiſes noe way hiperbolicall, nor any country more worthie of a Princes care and ſupportance.

4. Which bee the directeſt meanes to attaine to theſe hopes.

The way to attaine to theſe hopes is to have a runninge armye continually a foote to keepe the Indians from ſettlinge on any place that is neere us, to ſend over numbers of people to arrive heere about the prime of Winter, w^th proviſions of Cattle and w^th full proviſions for themſelves at leaſt for a yeare: in the meane tyme to fall only uppon the plantinge of Vines and Mulbury trees and to ſende men over that are expert in thoſe faculties, to plant gardens and orchardes, and ſuch thinges as are uſefull for the ſuſtenance of mans life, to rayſe the price of tobacco by the ſole importation, and reduceinge the Cuſtomes to the rate of the letters Pattents, and when the Country ſhalbe bleſſed w^th plenty of ſuch proviſions and multitudes of people, to proceede in the diſcovery of the wealth of the mountaines and Comodities of the Seas, that are credibly reported to lye beyonde them A care muſt be had that ſhips come not over peſtered, and that they may be well uſed at Sea w^th that plenty and goodnes of dyett as is promiſed in *Englande*, but ſeldome performed, that when they come they firſt fall to buildinge of good and convenient howſes, and bringe men over for that purpoſe: that for the firſt yeare they only endeavo^r themſelves to the plantinge of Corne, to the makeinge of gardens,

to

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to the choofeinge & inclofeinge of fitt places for their Cattle and to the plantinge only of fo much tobacco as may ferve to fuftaine them in neceffary clothinge for the fucceeding yeare, a proportion of mault they fhould alfoe bringe over to make themfelves beare, that the fuddein drinkinge of water caufe not to great an alteration in their bodyes: that they fhoulde employe themfelves to the plantinge of *Englifh* graine, that therby wee may have the hopes of two harvefts: And that fuch numbers may be feated togeather as may be able to fecure themfelves, and to make good fuch a part of the country as they may have free and fecure range for the fuftenance and increafe of their Cattle. Thefe doune we doubt not but in convenient tyme to purchafe to his Ma^{tie} a riche and flowrifhinge Kingedome

Francis Wyatt.

Frans. Weft.
George Sandys.
Raphe Hamor.
Roger Smythe.
William Tucker.
Henry Watkins.
Jabez Whittaker.
Nathaniel Baffe.
John Pollington.
John Utie.
Robert Addams.
Richard Bigges.
John Chewe.
Rich: Kingefmyll.
Edward Blayney.
Luke Boys.

George Yeardley.
J. Pountes.
John Pott.
Nicolas Martian
Will: Peirce.
Ifaack Maddifon.
Sam. Sharpe.
Ifaack Chaplin.
Clem^{t} Dilke.
Rawley Crofham [*Crowfhaw*].
Nath: Cauffey.
Thomas Marlott.
Thomas Harris.
Ric: Stephens.
John Wilcockes.

[From the *Bancroft* Tranfcripts, *New York* Public Library, II, 393-395.]

To the Right Wor^{ll} S^{r} Francis Wyatt, *Knight, Governor & Capt: Generall of* Virginia *and to the Right Wor^{ll} and others of the Generall Affemblie.*

Right Wor^{ll} &^{c}

BEINGE well affured that in a weekes time, fince our publifhing of theire Lo^{ps} orders in yo^{r} generall Affembly youe cannot but maturely have confidered of the fame; to the end that for the fpeedier advancement of this Colony in generall, and the fecuringe of every mans intereft in perticuler, all of us may by o^{r} fubmiffion and thankfullnes as by obedience and facrifice both together ingratiate both o^{r} perfons and comon caufe to his Ma^{ties} moft renowned clemencie; Wee as remembrancers unto youe, thought it no leffe then o^{r} dutie on all fides to propound to yo^{r} graver confideration this forme enclofed w^{ch} we hope youe will apprehend very fitt to be fubfcribed unto by the whole Affemblie, and to be fent home unto theire Lo^{ps} from us, beinge none other then wee o^{r} felves will moft readely and moft humbly fett o^{r} hands unto. So craveing yo^{r} anfwer in writtinge, in cafe youe fhall otherwife refolve Wee wifh to yo^{r} Counfells good events and reft

At yo^{r} fervice towards the fettinge upp of the Publique

John Harvey.
Jo. Porey.
Abraham Perfey.
Samuell Mathews.

James Citty.
March 2. 1623.
Concordat cum originali

Ed. Sharples, Cler:

[From

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[From the *Bancroft* Tranſcripts, *New York* Public Library, II, 397-399.]

The forme of Subſcription preſented to the Generall Aſſembly by Capt. *Harvey*, M^r *Porey*, M^r *Peirſe* and Capt: *Mathews. March* 2. 1623.

WHEREAS out of theire Lo^ps three Orders from the Counſell Board in *England* lately publiſhed in this Generall Aſſemblie, We are given to und^rſtand, that his Ma^tie hath ſignified his gratious pleaſure for the univerſall good of this Plantation (now by reaſon of o^r late calamities being in an unſettled eſtate) to inſtitute another forme of Government, whereby this worke may be upheld and better proſper in time to come, and to that end hath required ſurrender of the preſent Pattents, declaring nevertheleſſe his Ma^ties Royall reſolution ȯ aſſuringe unto the particuler members of the Comp^r ſuch Lands and priviledgs in the ſaid Cuntrie, as accordinge to the proportion of each mans adventure, and proper intereſts do now belong unto them. Wee of this generall Aſſembly do by ſubſcription of o^r names not only profeſſe and teſtifie our due thankfullnes for that his Ma^ties moſt gratious and tender care over us, but do for o^r parts in all humility and willingnes ſubmitt o^rſelves to his princely pleaſure of revokinge the ould Pattents and of vouchſafeinge his Ma^ties new Letters Pattents, to thoſe noble ends and purpoſes above menc̃oned.

James Citty March 1623.

Vera Copia Extract

Ed: Sharples, Cler:

[From the *Bancroft* Tranſcripts, *New York* Public Library, II, 401-402.]

The anſwer of the Governor, Counſell & General Aſſemblie to y^e letter & wrightinge of Capt. *John Harvey* and others delivered to us y^e 2 of *March* 1623.

WEE have preſented our humbleſt thanks to his ſacred Ma^tie for his gratious and tender care over us and have returned o^r anſwers (in due ſubmiſſion.) to theire Lo^ps Letters and Orders. When o^r conſent to the ſurrender of the Pattents ſhalbe required, will be the moſt proper time to make reply: in the mean time wee conceive his Ma^ties intention of changeing the Government hath proceeded from much miſinformation, w^ch wee hope may be altered uppon o^r more faithfull declarations.

Dated *March* 2, 1623.

Extract: et examinat: ℔ *Ed. Sharples. Cler:*

[From the *Bancroft* Tranſcripts, *New York* Public Library, II, 405-406.]

To the Wor^pll Cap^t John Harvey *Eſq^r and others.*

Wor^pll

SINCE wee conceive not how this laſt propoſition (to w^h wee have beene contented to give an anſwer) hath had ground from any inſtruc̃tions w^ch wee have yett ſeene. Wee deſire that before the Generall Aſſemblie be diſſolved (w^ch will be tomorrow) youe will ſhew us the depth of yo^r authority, or otherwiſe to ſett itt downe und^r yo^r hands that youe have no further Comiſſion or Inſtruc̃ons w^ch may concern us as yo^u have already profeſſed.

Dated *March* y^e 2 1623.

Ready to joyn w^th yo^u for the Publique

Subſcript

the Generall Aſſemblie

Vera Copia Extract. ℔

Ed: Sharples.

[From

[From the *Bancroft* Tranſcripts, *New York* Public Library, II, 409-412.]

To the right Worp^ll S^r Francis Wyatt *Knight, Governor and Capt Generall of* Virginia *And to the Right Wor^all and others of y^e Generall Aſſembly.*

Right Wor^ll &c

YESTERDAY att the delivery of our papers wee acknowledged that wee had neither Comiſſion nor Inſtruc̃tions to move you to ſubſcribe to that forme of ſubſcription and thankfullnes to his Ma^tie, w^ch then wee preſented, neither can ſo much as a ſhaddow of any ſuch thinge be collec̃ted, out of o^r Letter or motion therein encloſed. What wee propounded was out of o^r diſcretion, by way of Counſell for the good of this Plantation, not precipitate nor ſudden, proper to the time, occac̃on and Company, and the marke aimed att was no leſſe then his Ma^ties favo^r uppon o^r perſons and comon cauſe to be obteyned by obedience and thankfullnes. Now as there needed neither Comiſſion nor inſtrucc̃ons for us to propound the prac̃tice of ſo eminent a duty, ſo it is lawfull and free for us, beinge free men and Planters to offer to the generall Aſſemblie any reaſonable motion though of farr leſſe conſequente. And therefore had youe not beene content to have given us an anſwere, youe might have ſeemed to us diſ-content, or att leaſt diſcurteous. Neither uppon this occac̃on have youe reaſon to ſerch into the depth of our authority (ſeeing o^r yeſterdayes Motion dependeth not nor needs to depend uppon o^r perticuler Comiſſion) much leſſe to urge us to ſett downe any thinge und^r o^r hands. Nor can wee profeſſe that wee have no further Comiſſion w^ch may concern youe, then that wee have already putt in execution. For o^r Comiſſion yett unperformed concerneth youe in yo^r perſons, ſervants, corne, cattle, armes, houſes &^c. Nor need youe ſuſpec̃t that wee will attempt any thinge, to the wrong of any man, or w^ch wee cannot very well anſwer. So we reſt the ſame y^t formerly,

John Harvey
Abraham Penſey [*Perſey*]
Jo: Povey [*Porey*].
Samuell Mathews.

James Cytty Mar: 3. 1623
Vera Copia. Extrac̃t ꝑ

Ed: Sharples, Cler:

[Orders of the General Aſſembly of 1623/24. From the Library of Congreſs Ms. Rec. *Virginia* Co., III, pt. I, pp. 6 & 9.]

It is ordered that the ſeverall Plantationes ſhall tranſporte ye Comiſſioners ſent over by his Ma^ties Privie Counſell from Plantation to Plantatione accordinge to theire deſire, and to accomodate them in the beſt ſtate theire Howſes and Roomes will afforde

It is agreed by the generall Aſſembly that ſo much tobacco ſhalbee levied the next [ſeaſon?] by the Burgiſſes of the plantac̃ons for which they ſerue, as ſhall ſuffice to diſcharge ye [ſum?] of two hundred pownde in money wth ye intereſt, to be brought in by them to * * * * in the beſt marchantable Tobacco by the laſt of *Octobe*r next, to the new dwelling [Houſe?] of Capt *Wm Peirce*, and to paye the ſame to Sr: *George Yardley George Sandys* Threar. Capt. *William Peerce* and *Edward Blayny* marchante or theire aſſignes [for payment?] of ye dept, wherin they ſhall ſtande bounde to M^r *John Harte* of *London* marchant [for?] two hundred pownde w^th ye intereſt aboue named, who hath engaged himſelfe [to?] M^r *John Pountis* w^th ſoe much Money, The Tobacco to be levied by foure * * * the Colony, The Surplus of ye Tobacco (if there be any that ſhall ſurmounte ye two hundred pownde w^th ye intereſt, to be receaved in gunpowder, [at?] A iuſte accompt, for ye uſe of ye Countrey, *Provided* that the Countrey is

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is to beare ye [freight?] of ye Tobacco into *Englande* and to ſave harmeleſs thoſe y^{t} are bounde for ye payment there And if M^{r} *John Pountis* ſhall nott Arive in *Englande*, or if ye money be not payd then this Act to be Voide.

March ye 5th 1623

Francis Wyatt Eſq^{r}.
John Pott
Roger Smith
Raphe Hamer

William Tucker	*Nicholas Marten*	*Raughley Crowſhow*
Nathanell Baſs	*Iſack Chaplen*	*Richard Biggs*
Luke Boyſe	*Henry Watkins*	*Jabes Whittakers*
John Utie	*Nathanell Cawſey*	*Roberte Addams*
Richarde Stephens	*Thomas Harris*	*John Willcox*
Richarde Kingſmell	*Thomas Morlatt*	*John Chew*
John Pollingtone	*Gabrell Holland*	

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[From the *Bancroft* Tranſcripts, *New York* Public Library, III, 305-312.]

[Petition from the Convention of 1625.]

To the Kings moſt excellent Maᵗⁱᵉ

THE humble petition of the Governʳ Counſell and Collony of *Virginia* aſſembled together.

Humblie ſheweinge,

That wheras in the former yeare, we directed a peticion to yoʳ Maᵗⁱᵉ humblie defireinge therin, that yoʳhighnes woulde not give creditt to the late declarations preſented to yoʳ Maᵗⁱᵉ concerninge the happie, but indeed miſerable eſtate of the Collony, duringe the firſt twelve yeares government, neither to the malitious imputations wᶜʰ have been layde on the latter, but to be pleaſed to beholde in little, the true eſtate of both, by our relations, wᶜʰ we then ſent unto yoʳhighnes, by the handes of Mʳ *John Puntis*, contayninge nothinge but the truth wᵗʰout diſaffection or partiallitye, wherby we doubted not but yoʳ Maᵗⁱᵉ would underſtande the condition of both tymes, and farther beſought yoʳ Maᵗⁱᵉ that you would not ſuffer yoʳ poore ſubjects to fall againe into the handes of Sʳ *Thomas Smyth* and his Confidents, but that yoᵘ woulde gratiouſly protect us, from thoſe groweinge ſtormes ingendred by faction wᶜʰ preſaged the ruyn of ſome, whoſe indeavoᵘ have deſerved a better rewarde, and in generall of the whole plantation.

Soe yᵗ is that we are driven to miſdoubt, by reaſon of the death of Mʳ *John Puntis*, and that many thinges have fallen out, contrary to our humble deſires, that the aforeſayde petition and relations were never preſented to yoʳ Royall handes, the rather becauſe the ſame perſonnes ſo juſtly complained of, are joyned in yoʳ Maᵗⁱᵉˢ Comiſſion for governinge of the affaires of *Virginia*, wherewᵗʰ beinge armed, we feare they intend to exerciſe the ſame Tiranny uppon our perſons, wᶜʰ already by the pernitious Contract, they execute uppon our fortunes; and haveinge juſt cauſe to feare, that uppon the eſtabliſhinge of a Prefident & Councell in *Englande*, for the government of *Virginia*, if thoſe perſons ſhalbe choſen of that number, the ſame power and meanes to execute their vindicative mallice, may be more fully and abſolutely ſetled and confirmed uppon them, and the eſtate of the Collony much more deſperate, the effects wherof allready beguin to appeare not only in the skant ſupplie of neceſſaries this yeare not ſufficient to cover our nakednes, and the rates of thoſe threefold more exceſſive then formerly: But alſoe in the extreame diſcouragement of the adventurer and planter, inſomuch that great number of the planters had reſolved to have goune for *Englande* in theſe ſhips expreſly to have petitioned yoʳ Maᵗⁱᵉ for redreſſe and protection: But leaſt the Clamoᵘʳ of ſoe many ſhould be trobleſome and diſpleaſinge to yoʳ Maᵗⁱᵉ We, urged by oʳ duties to yoʳ Maᵗⁱᵉ, our zeale to the Collony and the diſcharge of our owne conſciences, have wᵗʰ an unanimous conſent, made choyce of Sʳ *George Yeardley* Knight (the importance of the cauſe requireinge no leſſe then one, whoe haveinge formerly comanded heere, in cheife and by imeadiate Comiſſion from yoʳ Maᵗⁱᵉ hath againe been nominated to ſucceſſion in the Government) to prefer the ſayde petition and relations to yoʳ gratious ſurvey, wherby yt will moſt cleerly appeare how unfitt they are to manage the affaires of this Collony in wᶜʰ they have formerly ſoe much erred and proceeded ſoe contrary, even in the fundamentall points of Goverment, to yoʳ highnes gratious charters and inſtructions; As alſoe our demonſtrations againſt the late pernitious Contract, ſoe mainly oppoſeinge yoʳ Maᵗⁱᵉˢ royall bounty and intentions, to the advancemᵗ of this yoʳ Maᵗⁱᵉˢ Collony.

We humblie therefore beſeech yoʳ Maᵗⁱᵉ to affoarde a gratious hearinge to the ſayde Sʳ *George Yeardley* and to referr the examination of our cauſe to the right Honoᵇˡᵉ *William* Lorde *Pagett*, Sʳ *Richarde Weſton* Knight Chauncellor of the Exchequer Sʳ *Humphry May* Knᵗ Chauncelloʳ of the Dutchie & Sʳ *Robert Killigrew* Knᵗ (they being appointed Comiſſionᵉʳˢ by yoʳ Maᵗⁱᵉ for the affaires of *Virginia*) to make report therof to yoʳ Maᵗⁱᵉ

And

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And we as our dutie bindes us, ſhall ever praye to God for yo^r Ma^tie^s longe & Prosperous raigne in this life and eternall in the life to come.

Francis Wyatt.

Frans Weſt.
Raphe Hamor.
Abrah Peirſey.
W^m Peirce.
W^m Horwood.
Ellis Emerſon.
Edw: Waters.
John Downeman.
Henry Woodard.
John Crewe.
Hugh Crowder

George Sandys.
W^m Claybourne.
W^m Tucker.
Francis Epes.
Rich: Kingeſmyll.
Nath: Cauſſey.
Fran. Chamberlaine.
Rich: Tayler.
Gilbert Peppet.
Clem^t Dilke.

Roger Smyth.
Sam Mathewes.
Nath: Baſſet
Thomas Oſborne
Is: Chaplyn.
Rich: Biggs.
John Price.
Ed: Blayney.
F. Barkeley.
Luke Boys.

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[From the *Bancroft* Tranſcripts, *New York* Public Library, III, 361-388.]

[Papers of the Aſſembly of 1627/28.]

The humble Anſwer of the Governo^r & Counſell together w^th the Burgeſſes of the ſeverall Plantations aſſembled in *Virginia* unto his Ma^tie Letter concerning our Tobaccoe and other Comodities

March 26, 1628.

WHEREAS the making of any Contracte uppon our Tobaccoe hath bin hitherto a thing ſoe much feared, and the very name of it rather a terror and diſcouragm^t to the whole Colony, then any way by us wiſhed or aſſented unto, the bare rumo^r whereof hath wrought ſoe evill an effecte as generally to diſharten all men, ſoe that therby the Marchant hath bene doubtfull of adventuring hither, and much enhaunſed the price of his Comodities, and the Planters fearefull to ſettle their aboade heere or raiſe any workes of better conſequence or future profitt, as deeming it a place wherein there would bee noe certainty or ſtability of their affaires but continually ſubjecte to ruine and alteracon if the ſiniſter informacons of pryvate men in *England*, and their projects there tending ſolely to their owne pryvate Comoditie and gaine may receave allowance and approbacon, Eſpecially ſeeing all Contracts heretofore propounded have beene made w^thout our Conſents, and uppon ſuch unreaſonable termes & condicons as have directly tended to the imediate diſtruction and miſery of the ſame, and this hath bin ſufficiently ſhewed in our demonſtracons and declaracons made againſt thoſe Contracts in our former generall Aſſemblies, But notw^thſtanding wee have continually beene inſnared in theſe toyles, and for theſe ſix yeares have perpetually laboured in the confuſed pathes of thoſe labyrinthes, being rather framed and built in the very imaginacon of unconſcionable and unjuſt men, then uppon good and ſound reaſon or w^th any reſpecte to the benefitt and advancem^t of the Colony: Wherefore wee retorne our humbleſt thankes unto his moſt excellent Ma^tie for that it hath pleaſed him to diſſolve thoſe Contracts formerly ſett on foote, and to have ſoe gratiouſly inclyned in his Princely favo^r towards us as to graunt thoſe thinges w^ch have bin for our eſtabliſhm^t and ſupportacon, And in particuler the prohibition of all *Spaniſhe* Tobacco, that thereby wee might have a certaine and ſure dependance w^th the Kingdome of *England* w^ch is ſoe firme a foundation for the perpetuall ſubſiſtance of this Colony as otherwiſe would require a greate expence of mony And this cheifely hath bin a meanes to uphold the ſame in ſuch meaſure that it hath nowe noe leſſe flouriſhed ſince the alteracon and revoking of the Patent, then when our affaires were managed by thoſe in *England* w^ch to the eye of the world appeared to bee the maine ſupporters and pillers thereof, Nevertheleſſe ſince his Ma^tie hath now bin pleaſed to take the Comodity of tobacco for his owne imediate uſe, and as his owne Marchandize, and to that ende hath directed his letter, unto the Governo^r and Councell, requiring that on his behalfe they ſhould bargaine for the ſame, w^th the Burgeſſes of all the ſeverall Plantacons, And further whereas the rayſing of other ſtaple Comodities, menconed in his highnes Letter is to greate a worke for our poore abilities to undertake and bring to perfection, hee hath therefore required us that wee ſhould take eſpeciall care concerning the ſame, And according to the Inſtructions ſent unto us to certifie of the probability and certainty thereof, and to ſend home ſuch enſamples as are deſired whereby wee are given to hope that thoſe meanes will by his Royall hand bee ſupplyed unto us, that having beene alwaies hitherto wanting or but ſlenderly furniſhed it hath bin impoſſible that thoſe thinges ſhould have effectually bin accompliſhed, And wee on our parts ſhall give good teſtimony of our willingnes and forwardnes therein, being perſwaded that nothing can bee more happly for the Colony or to bee deſired of us, then that thoſe Comodities ſhould receave their full perfeccon that wee might have ſome other matter of ſubſiſtance then Tobacco,

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Tobacco, w^ch^ yet wee cannot wholy abandon, but make it as a ſtepp to attaine thoſe things and in the interim, a meanes to ſuſteyne us, Wee have therefore in all humblenes of duety, after full debate and conſideracõn of the premiſes ſett downe our opinions concerning the ſame deſiring that our relations may bee rather credited then theirs w^ch^ neyther informed by experience uppon the place (the moſt infallible guide) nor led by good judgm^t^ at ſoe greate a diſtance doe intend their private endes more then the hono^r^ and profitt of the King or the welfare of this Colony.

Firſt for tobacco wee conſent and agree that his Ma^tie^ ſhall have all our Tobacco at the rate of three ſhillings ſix pence the pound cleere the Tobacco to bee delyvered here unto his Ma^tie^ Factor^s^ good and marchantable, and to bee approved ſoe to bee, by ſworne men appoynted to that purpoſe, And for the paym^t^ thereof wee deſire that the Factors w^ch^ ſhall receave the ſame, may bring letters of Creditt from men of unqueſtionable ſufficiency to give bills of exchange uppon thoſe men to make paym^t^ of them, the one halfe after tenn daies ſight, and the other moytie at three monethes And thoſe termes wee doe all in generall cheifely deſire, becauſe our reſiding is here, and it will bee much damaige unto us to goe home to delyver our goods, But if his Ma^tie^ will have our Tobacco delyvered at the Port of *London* and wee to beare the adventure of the Sea and pay the fraight, then wee will bee contented to delyver it all there at fower ſhillinges the pound and wee to bee cleere of all Cuſtomes, and the paym^t^ to bee made as aforeſaid But if his Ma^tie^ ſhall refuſe to take all the Tobacco that ſhall bee made in this Colony good and marchantable, then wee humbly deſire that his highnes would bee pleaſed in certaintie to take of yearely five hundred thouſand weight at the aforeſaid prices and Condicõns, if there ſhall bee ſoe much made in the Country, And for the reſt if there ſhould bee any overplus wee are alſoe content to deliver the ſame if his Ma^tie^ pleaſe, if not wee deſire to export it againe out of the Kingdome of *England*, cuſtome being paid, and to vent it eyther in the *Low Countries*, *Ireland*, *Turkey* or elſewhere.

And wee are content to contracte w^th^ his Ma^tie^ for the aforeſaid rates and uppon the aforeſaid Conditions for and during the tyme and terme of ſeven yeares, But if hereafter it ſhall appeare that the Kingdome of *England* ſhall bee able to vent more tobacco then the quantities now to bee taken from this Plantation and the *Somer* Iſlands, other places fayling and the reſt being ſuppreſſed & baniſhed, our deſire is that then wee may bee ſuffered to import the ſame, and our proporcõn augmented.

And wee doe moſt humbly deſire his Ma^tie^ that if hee will bee pleaſed the aforeſaid condicõns may bee accepted; that all *Spaniſhe* tobacco bee utterly prohibited, becauſe wee have juſt cauſe to feare, that under Colo^r^ of any *Spaniſh* Tobacco licenſed to bee brought in, greater quantities will bee imported, and the markett glutted, to our damage and hinderance. And for the aſſurance of making our Tobacco Marchantable, that it may bee ſatisfaccõn given therein, wee have taken ſuch effectuall courſes in every reſpecte, that wee dare ingage ourſelves that our tobacco ſhall bee very good and marchantable much exceeding the tobacco w^ch^ hath formerly gon from hence, And wee have alſoe ordered that there ſhall bee ſworne men appoynted to bee Tryors to that purpoſe, after the curing of the ſame and before it bee laden aboord the Shipps, w^ch^ orders heretofore wee have not taken, becauſe wee could not compell the planter to paie the Marchant principall Tobacco when as often tymes the Comodities hee receaved were rotten and unuſefull, and allwaies ſould at moſt exceſſive rates, w^ch^ wee could not moderate: And therefore concerning the Tobacco this yeare gon home wee are not ignorant, how that much of it is of noe good condition, of w^ch^ as wee deſire to bee excuſed, ſoe wee hope there ſhall bee noe ſuch occaſion hereafter to complaine Wee have alſoe ordered that a Proclamacõn bee made through the Colony, that all plants ſhall bee ſett fower foote and a halfe aſunder at leaſt, and that there ſhould bee gathered but twelve leaves of from a plant, Whereas it hath beene the Cuſtome heretofore, from that ſort of long tobacco now in uſe to gather five and twenty or thirty leaves and wee are of opinion that if wee ſhould ſuffer but ſix leaves to growe uppon a plant, that the nature of tobacco will not beare it, and it would bee nevertheles very dangerous to prime away the leaves ſoe high in reguard that then it is ſubjecte to bee ſpoyled and torne w^th^ guſts and ſtormes, at that

that tyme uſually happening, and the ſtalke to bee parched and withered by the heate of the ſunn, And wee certainely Knowe that although wee doe tend twelve leaves on every plant as aforeſaid yett by reaſon of dyvers caſualties as the wormes, the extraordinary raynes w^ch^ drowne many plants wee ſhall not gather above eight or tenn generally and wee wonder why any ſuch thing ſhould bee injoyned unto us.

Concerning the ſtripping out the ſtalke wee doe thinke it will bee much hurt unto it, and the handling in that Kind will deface and ſpoyle it, at that ſeaſon of the yeare, the windes being exceeding peirceing and drying, And for that whilſt the ſtalke is in it, it is a good preſervative to the ſame, Whereas it is certaine that if wee ſhould bee tyed to ſtripp out the ſtalke the Planters would thereuppon take advantage and ſtripp it before it bee fully cured, and being ſomewhat moyſt it will bee ſubjecte to rott and mould: And further it would bee a greate hinderance unto our other workes of conſequence and profitt for the good and advancem^t^ of the Plantacon, as cleering of new grounds, planting of gardens and orchards, the erecting of Comodious buildinges, the extirpacon of the Indians and the rayſing of all ſtaple Comodities &^c^

Touching the moderating of the quantity, wee deſire that it may bee conſidered that this Comodity of tobacco is the only meanes for our preſent ſupportacon and ſubſiſtance to the w^ch^ nevertheles wee are not ſoe much wedded and adicted as wholly to neglecte all other courſes that ſhall bee thought conducing to the rayſing of ſtaple Comodities as aforeſaid, and the planting of greate ſtore of corne, the breeding and encreaſing of Cattell &^c^ And in this poynt wee have this yeare leſſened and ſtinted our uſuall proporcon in gathering but halfe ſoe many leaves as heretofore was ordinary And wee being now in greate ſomes indebted to the Marchant it cannott bee admitted ſoe ſtrictly, for that our bargaines & Contracts for the ſucceeding Cropp are already paſſed and concluded on betwixt us, and wee muſt eyther ſhutt upp our Courtes and deny Juſtice to thoſe that ſhall require it or elſe permitt thoſe that are engaged in that Kinde to imploy themſelves and ſervants for the performance of their condicons, Not w^th^ſtanding for the ſucceeding yeares, notice beeing given aforehand, the nomber of people in this Colony encreaſed and the Markett of Tobacco gluttes, wee ſhall bee willing to condiſcend thereunto, and concerning the quantity of two hundred pound for a Maſter of a family and one hundred and a quarter for every ſervant, The Colony now conſiſting of neere three thouſand perſons or ſhortly being likely to attaine to that nomber, every weake Judgment w^ch^ hath beene converſant w^th^ us, or hath ſeene the Accounts of our affaires, can judge that quantity not to bee ſufficient for our mainteynance, And the laſt yeare wee Knowe there was more ſent hence, yett that proporcon, allowing that there are five hundred freemen and Maſters of families will amount unto 412,500£

Laſtly to demonſtrate that the Condicons for the paym^t^ of our mony halfe in hand and the reſt at three monethes are of ſoe abſolute neceſſity unto all the Planters, wee ſaid that to accept of one third in hand and the reſt at five and five monethes, the firſt paym^t^ will little more then defray the freight and other chardges, and the expectacon of the reſt will not only put them to many ſtreights for preſent mainteynance, but detaine them in *England* ſoe longe untill their meanes waſting w^th^ their tymes, they bee utterly diſabled to tranſport themſelves, much leſſe ſervants or comodities for the augmentation & reliefe of the Colony and looſe one whole yeares tyme.

For Pitch and Tarr wee are of opinion, that his Ma^tie^ may bee aſſured that there are materialls here plentifully for the making thereof, and wee have by theſe ſhipps ſent home enſamples of the ordinary Pine Trees growing in this Country, that there may bee noe doubte made in that poynt, but wee find that our weake abilities will not enable us to bee at ſoe greate charges as will neceſſarily bee required before hand to the full accompliſhm^t^ of that worke, eſpecially it being a Comodity of ſoe ſmall a value and the want of meanes to carry the wood to the kilnes where it is burned, there being neyther horſes nor Aſinicoes proper for that purpoſe and the danger that the workmen bee in uppon all incurſions of our Enemies the Indians, will make it not bee w^th^out ſome difficulty and muſt neceſſarily bee provided for, if that buſines bee proſequted.

For

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For Potaſhes wee knowe that in former tymes there have beene ſome made heere and ſent into *England* for a tryall, but the worth thereof wee doe not Knowe, and have noe man in the Country that Knoweth how to make them.

For pipeſtaves, barrell boords and Clapboords there hath formerly beene ſent home of all ſortes and wee have now both ſent home enſamples thereof and in theſe Shipps there are many hundred Caske gon into *England* from all partes of the Country made of our Tymber heere, whereby thoſe of experience may bee able to judge thereof, this requireth greate labour, and the freight of ſoe meane a Comoditie will bee too deare to incourage any man to goe in hand w^th^ it.

Concerning Iron wee have ſent you home ſome of the Myne of w^ch^ by their report that were imployed therein there is plenty and the tryalls that have been heere made have cauſed a good reputacon of the Iron that hath been ſent into *England*, but this worke eſpecially requireth an exceſſive charge and expence of mony to bring it to perfeccon w^ch^ wee cannott diſburſe in expectacon of the profitt thereof w^ch^ will not bee ſoe ſoudaine as our neceſſities doe require and wee thinke that it muſt neceſſarily bee provided that the men labouring about it bee furniſhed continewally w^th^ plenty of cloathing good victualls and drinke, the w^ch^ in this Country are not ſufficiently to bee had: The Materialls formerly ſent over, are almoſt totally waſted and conſumed and at the Maſſacre throwen into the River by the Indians, and little to bee found that is ſerviceable, ſoe that in that caſe there will neede a ſupply of all thinges both of workemen and other neceſſaries, It is certaine that the place choſen for the ſame at the *falling Creeke* was very Comodious and advantagious & the furnace in ſome good forwardnes at the Maſſacre.

For Mynes of Gould, Silver, Copper &^c^. wee conceive that there is greate hope of the ritchnes of the Mountaines, and there was a diſcovery made formerly nynteene yeares ſince in the w^ch^ ſome of us were, and about fower daies Journey above the falls of this Ryver as wee are informed certaine aſſurance of a ſilver Myne, but wee ſhall hereafter uppon all occaſions ſend home ſuch ſamples as wee ſhall meete w^th^ any where yet wanting the meanes of beaſts of Carriage for the tranſport of Victualls and Munition, it will bee allmoſt impoſſible.

For the planting of Vines wee conceave greate hopes that it will prove a Comoditie both beneficiall and profitable, but wee are none of us skillfull therein, The Vignerons that have beene ſent over have ſpent their tyme heere to ſmall purpoſe, and eyther purpoſely neglected it or concealed from us the skill w^ch^ hath generally diſhartened all men from undertaking it, but wee have this yeare planted many and pruned others and by further experience thereof wee ſhould thinke ourſelves happy to bring this Comodity to perfeccon and would bee glad to defray the charges of skillfull men to bee ſent over for that purpoſe.

For Bay ſalte wee conceive greate likelines of the certainty of that Comodity and ſuerly the benefitt that will accrew to the Colony of the ſame will bee of greate conſequence and wee ſhall bee willing to aſſiſt M^r^ *Capps* to make the experiment thereof w^ch^ being brought to perfeccon will drawe a certaine trade unto us, And wee hope that the fiſhing uppon our Coaſts will bee very neere as good as that of *Canada* whereof ſome tryall hath beene already made.

Subſcribed by,

Francis Weſt. Eſq. Gov.

John Pott,	*Roger Smyth.*
Samuell Mathewes.	*Will Claybourne.*
William Tucker.	*William Farrar.*

w^th^ all the reſt of the Burgeſſes of this Aſſembly.[1]

Vera Copia Ext. ℔
Rob: Barrington, Cler:

[From

[1] A contemporary copy of this paper is preſerved in the Library of Congreſs having the names of all the ſigners. Contemporary copies, with all names of ſigners, of the two papers immediately following are alſo to be found there. The names are the ſame as thoſe of the ſigners of the commiſſion of the General Aſſembly to Sir *Francis Wyatt*, printed on p. 51. The names given above, in addition to that of the governor, are thoſe of the members of the Council.

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[From the *Bancroft* Tranſcripts, *New York* Public Library, III, 401-404.]

To the Kinges moſt excellent Ma^ty

The humble Petition of the Governo^r and Councell together w^th y^e Burgeſſes aſſembled in Virginia. *Moſt humbly ſheweth,*

THAT whereas yo^r highnes hath ben gratiouſly pleaſed to extend yo^r princely care for the eſtabliſhment of this Colony and to make y^e Comodity of tobaccoe yo^r owne marchandize for the better reputatio^n thereof, w^ch by yo^r Royall favo^r in the prohibitio^n and ſuppreſſing of *Spannifh* and *Engliſh* tobaccoe is much advanced, wee have according to yo^r Ma^ties Comand aſſembled our ſelves, and in all humblenes of duty returned ou^r anſwer unto yo^r highnes that we ſhalbe willing to accept for the ſame delivered heere three ſhillings ſix pence y^e pound and in *England* foure ſhillings, the one halfe to be payd att ten dayes ſight, the other att 3 monthes, humbly defiring y^t yo^r Ma^ty will be pleaſed to take from this Colony in certaynty 500 thouſand waight yeerly, and if wee ſhall make more, having this yeere in great part ſtinted our ſelves, (the better to follow yo^r Ma^tys direction for other ſtaple Comodities) wee are alſoe contented to deliver the ſame, but if that ſhalbe to much for the Kingdome of *England*, we humbly defire that we may export itt into other parts, the Cuſtome being payd, as we have in o^r generall declaration both concerning this & the other Inſtruction from yo^r highnes touched more lardgly.

Wherefore wee moſt humbly implore yo^r Ma^ty gratiouſly to comiſerat o^r poore eſtates, in yo^r favo^r to o^r juſt petitions, having continually for theſe ſix yeers groned under the oppreſſio^n of unconſcionable and cruell Merchants by the exceſſive rates of their Comodities, cauſed for the moſt parte by unreaſonable & unjuſt contracts made wholy w^thout o^r conſents, in w^ch wee have exceedingly ben turmoyled and o^r affayres perplexed, to the unſpeakable prejudice of this Colony, that otherwiſe would have ben able if not hindred by our poverty, to have produced better effects & manifeſted that wee want the meanes & not the wills to rayſe thoſe ſtaple Comodities proper for this plantation, w^ch now we hope by the beames of yo^r Ma^ties favor reflected uppon us, will recover a new life and receive perfection by yo^r Royall hand, unto the w^ch itt hath ben referved by the Divine Providence. And wee o^r wives and poore children as is o^r duty ſhall ever pray to God to give you in this world all increaſe of happines and to crowne you in the world to come w^th immortall Glorye.

Subſcribed by the Governor, Councell and the whole Aſſembly of Burgeſſes.

[From the *Bancroft* Tranſcripts, *New York* Public Library, III, 405-408.]

To the Right Hono^ble the Lords of his Ma^ties moſte hono^ble Privy Councell.

The humble Petticion of y^e Governo^r Councell and the Burgeſſes aſſembled by order from his Ma^tie in Virginia.

SHEWETH, That whereas itt hath pleaſed his moſt excellent Ma^tie by his Royall letters directed to yo^r Pet^rs to ſignifie his pleaſure concerning the comoditie of tobaccoe to be to his owne imeadiate uſe, requiring that we ſhould contract for the ſame upon ſuch prices, condicions as are therein mencioned, and we accordingly in all humblenes of duty by o^r generall declarations have returned o^r anſwer unto his highnes, moſt humbly complayning that formerly by the fineſter ſuggeſtions and projects of unconſcionable men, to make a contract on o^r goods w^thout o^r conſents, we have a long time ſuffered much damage, and the Colony greatly prejudiced by the generall feare and diſcouragm^t w^ch all men have receaved to ſettell their eſtates heere, or to endeavo^r the rayſing of any ſtaple Comodities for the diſanulling whereof we have often times by o^r letters and Pettic^s to yo^r hono^rs ſolicited this board, and yo^r Lo^pps have ben hono^bly pleaſed from time to time to relieve us and to diſſolve thoſe contracts w^ch otherwiſe would have tended to the overthrowe of this plantation, for w^ch we returne o^r humbleſt thankes unto yo^r Lo^pps.

Yo^r

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Yo^r Pet^rs conceiving that his Ma^tie hath now ben pleaſed to take the affayres of this Plantation into his more neere regard and princely care wherby all factions ſilenced, and the projects of vaine men ſuppreſſed this languiſhing Colony may att length receave a new life and overcome thoſe difficulties w^th have hitherto hindred the grouth of it, and being rather deſirous that the Comoditie of our labours ſhould redowne to his Ma^ties uſe whoſe ſervantes wee are, then to any that ſhould under hand contracte for the ſame, doe moſt humbly implore the continuance of yo^r Lo^pps favo^r towards us, and o^r cauſe, beſeeching that o^r relations may eather obtayne credditt then the informations of ſuch men as reſpect only their private ends & inordinate lucre and gaine. And we humbly deſire yo^r Lo^ps to conceave that our Petitions & demands are juſt and neſeſſary for the ſubſiſtance of this Colony being ſuch as may ſtand w^th his Ma^ties profitt, And that yo^r Lo^pps wilbe pleaſed to continue yo^r Patronage that by yo^r mediations and Councells his Ma^ties Royall intentions may be confirmed towards us for the conſumatio^n of this great work and the perfect eſtabliſhment thereof

And wee as our duty bindeth us ſhall alwayes pray.

Subſcribed by the Governor, Councell and the whole Aſſembly of Burgeſſes.

[From a manuſcript in the Library of Congreſs.]

The gen^rall aſſembly their Comiſſion to S^r *ffrancis Wyatt* Kn^t, M^r *Edward Bennett*, & M^r *Michaell Marſhart*.

1. *FIRST* that you M^r *Bennett* & M^r *Marſhart* doe upon yo^r arivall in *England* repaire to S^r *ffrancis Wyatt*, & that by his Councell & advice together with yo^rs, our affaires may be mannadged, of whoſe wiſdomes & integrity wee doe not doubt, & wee in the name of the whole Colony doe intreate that you would be pleaſed to vndergoe the trouble, & as in yo^r diſcretions you ſhall thinke moſte conduceing to the good of the Plantations, either to refuſe the propoſitions of this Contract, or to eſtabliſh a ſure & certaine meanes of our ſubſiſtance, that wee may noe longer bee alwaies ſubiect to ruine vpon the vncertainty of the noyſe of any contract.

2^ly That you enforme yo^r ſelues how the buſynes of the Contract ſtandeth at that preſent & acquaint yo^r ſelues w^th the Agente of the *Bermudas* & S^r *Chriſtophers*, to the [end?] you may (if you can agree) proceed iontly togeather both for the better effecting of yo^r buſines, & p^rceedings w^th leſſe chardge.

3^ly That what letters ſhalbe comitted to yo^r truſt, you uſe all dilligence to deliu^r them ſafe & as ſoone after yo^r arivall as you cann, & eſpecially the Letters[1] directed to y^e [Lords?] to the end you may haue their affiſtance * * * the petition to his Ma^tie ſhall [come?] to be deliu^red, chiefly you muſt haue care * * * * * * * * * * * * Lord Treaſurer the Chancellor of the Exchequer & his Ma^ties Atturny gen^rall, to informe them touching our p^rceedings.

4^thly If his Ma^tie ſhall refuſe our p^rpoſitions that then you adviſe what courſe may be taken to giue his Hignes content, & agree to ſettle the Cuſtome & impoſte at 6^d a pound.

5^thly Whereas in our declaration wee haue intreated his Ma^ty that wee may haue alowed for our Tobacco 3^e 6^d the pownd & deliu^r it here, or 4^e if wee deliu^r it in *England*, our deſire is if you finde that it will not be aſſented vnto, then to agree w^th his Ma^tie for 3^e the pownd if he take it here, & 3^e 6^d if wee vpon our chardge of fraight & aduenture doe deliu^r it in *England*.

6^thly Wee deſire you to adu^rtize vs of all occurrences by the beſt & ſpeedieſt meanes you haue, or can p^rcure, from time to tyme, & if any difficulties ſhall ariſe or the neceſſity of our affaies [affairs] require it, wee doe intreate you to ſend us a Barque exp^rſſly about 50 tounes, & to lade her hither w^th meale, 12 feild carriages for demi Culverin, 4 for ſaker, & 4 for minion, 20 barrels of powder, 2 or 3 touns of great ſhott, w^th ladles, ſpunges, &

[1] Theſe letters are printed in the appendix to this volume.

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& all things neceſſary, 2 C waight of match, 20 men whereof as many Carpenters, gunn ſmyths, & other ſmyths as you cann w^th^ neceſſary proviſion of victualls & apparrell for a yeare.

7^ly^ That by yo^r^ beſt meanes you cann, you make it knowne to the Lords that by the importation of all our Tobacco to *London*, & the p^r^hibition of *Spaniſhe*, That Citty may in a ſhort time be the ſtaple of Tobacco, & that other Countries may both import Comodities & mony for the ſame, as form^r^ly they have done into *Spayne* where the whole trade of that Comodity hath beene, & ſoe be a meanes greatly to increaſe his Ma^tie^ Cuſtomes.

And whatſou^r^ chardges you ſhalbe at in the Pſequution of this buſines, wee p^r^miſe to repay, & if by yo^r^ dilligence you ſhall effect any thing for the good of this Country wee ſhall for that alſoe giue you ſatisfaction to yo^r^ contents.

Dated the 29^th^ *March* 1628.

ffrancis Weſt, John Pott, Roger Smyth, Samuell Mathewes, William Claybourne, William Tucker, William ffarrar. John Weſt, Nathaniell Baſſe, Thomas Oſborne, Edward Bennett, John Uty, Thomas Pawlett, ffrancis Epes, Edward Crinden, Edward Waters, Michell Marſhart, John Chewe, Thomas Weſton, Thomas Willoby, Robert Sweete, Humfrey Raſhell, William Harwood, Thomas Burgis, William Engliſhe, Tho: Harwood, William Perry, Thomas ffareley, John Jackſon, Richard Taylor, Maximillion Stone, John Smyth, John Harris, John Burland, Walter Price, Percivall Wood, Thomas Jorden, William Popeleton.

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[From *Hening's* Statutes at Large, I, 137-144.]

THE GENERAL ASSEMBLY

Holden the 16th day of *October*, 1629.

THE oathes of ſupremacy and alleidgeance were adminiſtered to the governor and councell and afterwards to all the burgeſſes.

After debate of many matters, it was thought a buſineſs of great benefitt and good conſequence to ſend and maintaine a company of men to plant corne at *Kiskyacke*, the charges of building to be borne equally by all that ſhould bee the adventurers, and to bee there ſeated by the 15th of *November* next. Whereuppon voluntarily the Governor offered to find 3 men.

Capt *Mathewes*	4
Mr *ffarrar*	1
Mr *Thorowgood*	4
Mr *Engliſh*	2
Mr *ffliint*	4
Mr *Rowlſton*	2
Capt. *Baſſe*	1
Mr *Harwood*	1
Mr *Bennett*	1
Goodman Tree	1
Tho. Seely	1
Capt. *Peirce*	2

It was ordered they ſhould have ſhares of land to them and their heirs.

It is ordered that every commander of the ſeverall plantations appointed by commiſſion from the governor ſhall have power and authoritie to levy a partie of men out of the inhabitants of that place ſoe many as may well be ſpared without too much weakening of the plantations and to imploy thoſe men againſt the Indians, when they ſhall aſſault us neere unto our habitations, or when they in their diſcretion ſhall deeme it convenient to cleare the woods and the parts neere adioyning when the Indians ſhall bee a hunting or when they have any certaine knowledge of the Indian's aboad in thoſe places. And if there ſhall be cauſe that the commander in perſon can not attend theſe ſervices, then in ſuch caſes, and in his abſence hee is to appoint his deputie.

It was the opinion of the whole bodie of the aſſembly that we ſhould go three ſeverall marches upon the Indians, at three ſeverall times of the yeare, *viz.* firſt in *November*, ſecondly in *March*, thirdly in *July*. To effect this the collony and inhabitants are to bee divided into fower diviſions. The plantations of the upper parts as farr downewards as *Weanoacke* Marſh, and *fflowerdieu hundred* creek on both ſides the river to cleare thoſe parts and territoryes, and to doe all manner of ſpoile and offence to the Indians that may poſſibly bee effected. The ſecond diviſion to extend from *fflowerdieu hundred* creeke and *Weanoacke* Marſh, as farr downewards as the creeke belowe *Hogg* Iſland, and to include the whole corporation of *James Cittie* and *Martin's* Hundred, and the plantations of *Mulbury* Iſland under the command of capt. *Smyth*. The third diviſion to be the plantation of *Waroſquoyacke*, and thoſe inhabitants to cleare the grounds and lands betweene *Hogg* Iſland creeke and *Nanſamunge* river.

There remaine for a fourth diviſion *Elizabeth Cittie*, *Warwicke* River, *Nuttmegg* Quarter, *Accawmacke*, the plantation at *Kiskyacke* and the places adioyning; to goe twiſe

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twife uppon the Indians in *Pamunky* river, *viz.* once before the froſt of *Chriſtmas*, & the other in *June*, *July* or *Auguſt*, as alſoe uppon thoſe lands, between *Nanſamunge* river and the river of *Chefepeyacke*. And it is concluded that the plantations of *Accawmacke* ſhall affiſt them againſt the *Pamunky* Indians in the ſummer time with every fift man out of the inhabitants.

It was putt to the queſtion whether all new comers ſhall bee reſtrained from planting tobacco the firſt yeare and they to bee exempted from all taxes, and marches for that yeare. The maior part would have no reſtraint made to new comers.

It was put to the queſtion whether for this yeare there ſhould be an ordinance made and eſtabliſhed for the ſtinting of the planting of tobacco. To this the opinion of the moſt voices was, that noe perſons workeing the ground, which are all to be thithable, ſhould plant above 3000 plants uppon an head.

An exception is made where the familie conſiſteth of children and woemen which doe not worke in the ground, and they to plant not above 1000 plants per pol. In caſe any family ſhall be aggrieved by this order conſifting of ſome nomber of woemen and children, It is thought fitt that in ſpeciall caſes the Governor and Councell to order them a further proportion.

Theſe charges following were allowed by the General Aſſembly, *viz:*

Imprimis. To M[r] *Marſhartt* for 16 carriadges for ordinance, there is allowed for his account of £. 208 04s 02d. fowre thowſand five hundred weight of tobacco, ſoe that the remainder that was not paid unto him laſt yeare ſhall be fully paid and delivered unto him this yeare, or his aſſignes, lbs. 4500

Item. Six barrells of powder, bought of Capt. *Crampton*, and yet unſpent, 0900

Item. One hhd. of wyne, ſpent in the march, 0255

Item. One ancor loſt in the march out of Lieut. *Thompſon* his boate 0050

ffor ſhott which Sr. *George Yeardley* bought of M[r] *Mayhow* and proviſion to ſett out his ſhip, 0428

ffor 300 of fifh bought of M[r] *Meneſie*, 0090

ffor one barrell of peaſe ſpent in the ſhipp, 0050

To M[r] *Claybourne* for ſhott ſpent in the marches in Sr. *George* his time, and this yeare 1629 0500

ffor one hundred of ſhott more, bought of M[r] *Barrington*, & 1-2 of biſcuite for *Chickahominy*, 0047

For Ct. *Poole*'s entertainement this yeare, 1200

[The lines following the above, are ſo obliterated as not to be legible till we come to the words "his legg which hee received in the country's ſervice;" from which we may infer that the above item is on account of a wound received by Capt. *Poole*.]

It is alſo ordered that the three Indians here reſiding ſhal be maintained by the general charge of the whole colony.

To defray all the charges above ſaid the whole Aſſembly concluded that there ſhould be five pounds of tobacco per pol levyed through the colony.

It is further concluded and ordered that every maſter of a family, and every freeman that is to pay five pounds of tobacco per pol as aforeſaid for the defraying of publique charges, ſhall bring the ſame unto the Houſes of the Burgeſſes of the plantations within two dayes after notice thereof given unto them. And if any ſhall faile to bring in the ſame, it is thought fitt that by virtue of this order the ſaid Burgeſſes ſhall have power to levy the ſame by diſtreſſe, upon the goods of the delinquents, and to make ſale of the ſaid goods, and to detaine ſuch tobacco which ſhall be due by this order, and for their fees in making this diſtreſſe, reſtoring to the owner of the ſaid goods the reſidue and remainder. And if the Burgeſſes ſhall make neglecte herein they ſhall be fined by the Governor and Councell.

The Burgeſſes doe undertake to provide caske to putt upp the ſame and if any damadge ſhall befall unto the tobacco, it ſhall not light uppon the Burgeſſes, unleſſe they ſhall be faulty therein.

All

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All the Burgeſſes are with all convenient ſpeed to ſend to the Governor a liſt of the tithable perſons within their plantations, that thereby the Governor may appoint thoſe that are the creditors for this tobacco to receive it and that he take order to have an account kept of the ſame.

At this time the matter of ffortification was taken into conſideration and there was longe debate had concerning the place where the fforte ſhould be erected. Eſpecially *Point Comfort* was ſpoken of and was thought the moſt convenient place, but the great and many difficultyes therein, and the want of meanes and materials for effecting thereof doe almoſt make it impoſſible for our weake abilityes to bring to perfection: therefore [the lines of the original not legible.] both the aſſiſtance of their perſons and eſtates to accompliſh ſo good a worke as to raiſe fortifications which will be both a ſafetie and reputation unto this colony.

It is ordered that there bee an eſpeciall care taken by all commanders and others that the people doe repaire to their churches on the Saboth day, and to ſee that the penalty of one pound of tobacco for every time of abſence and 50 pounds for every months abſence ſett downe in the act of the General Aſſembly 1623, be levyed and the delinquents to pay the ſame, as alſoe to ſee that the Saboth day be not ordinarily profaned by workeing in any imployments or by iournyeing from place to place.

It is thought fitt that all thoſe that worke in the ground of what qualitie or condition ſoever, ſhall pay tithes to the miniſters.

[From a manuſcript in the Library of Congreſs.]

[Petition of the Houſe of Burgeſſes to the Privy Council Drawn up at the 1631/32 Seſſion.]

Right Hon^ble

MAY it pleaſe yo^r Lorpps wee the Burgiſſes of this Plantation haue w^th great * * * * received the happie newes of his Ma^tie^s gratious Intentions toward this Colony grauntinge his royall Coñiſſion to yo^r hono^rs who have beene pleaſed to undertake the ſame and patronage thereof, after ſoe long and languiſhing a conſumption Wee have therefore deemed it our duties to p̄ſent vnto y^r hono^rs the voice of our Acts and proceedings in this laſt Aſſembly, And wee beſeech yo^r Lorpps that yo^rs in yo^r graue Judgm^te will be pleaſed to interprett our intentions in all thoſe Acts, to be wholly for the welfare of the Colony, and ſuch as wee, by large experience in the place are aſſured to be moſt p^per for the advancement thereof; And wee become humble ſuite^rs, that now when theſe affayres ſhall agayne be eſtabliſhed all former graunts liberties and priviledges may be confirmed unto us accordinge to his Mat^tes gracious lres Patents ſince the diſſolution of the late Company, And in p^ticular wee recoñend unto yo^r hono^rs Conſideration, that wee may haue all free trade, to thoſe p^rtes and marquetts where ſuch Coñodities as wee by our induſtry ſhall rayſe will be * * * and that the lymitts of our Plantation, both to the Northward & the Southward may be p̄ſerved agaynſt all * * * undertakers * * * * * * * * * * * * * * That we may have confirmation of all our lands, and dividents, and that they which haue arived ſince the 24th of *June* 1625 to w^ch tyme all coñers were to have fifty acres of land, may likewiſe have apportion graunted vnto them w^ch wee deſire may be 25 acres, And for encouragem^t to after coñers wee wiſh alſo that 12 acres may be graunted vnto all ſuch as ſhall come duringe the terme of 7 years next enſuinge, Wee doe alſo give our humble adviſe that a Current Coyne debaſed to 25 p̄cent^m, may be ſent vnto vs then w^ch nothinge will be more uſefull, The ffort at *Poynt Comfort* hath w^th incredible labour to the vntaker, and exceſſive chardge to the whole Colony beene brought to good perfection, And becauſe we finde the continuall maynteynance thereof, will ariſe to an inſupportable burden, yf it be wholly * * * at the planters hands, who haue endevored themſelves to this work above their abilities Wee humbly pray that the lands adioyning to *poynt Comfort* iland and now leaſed to ſeverall men may wholly be converted to that purpoſe and receaue y^r Lo^pps^ Confirmation, w^ch will in part defray the chardge, Wee the poore planters, of this Colony haue a long tyme groaned vnder the cruell dealings vnconſcionable marchaunts, who have by needleſſe and vnprofitable Coñodities * * * ingaged the inhabitants in debts of Tobacco, to the value almoſt of theire enſuinge croppe whereby wee haue neceſſarily beene tyed to the plantinge of that bad comoditie, from w^ch otherwiſe wee had willinglie declyned Wherefore in contemplation of our miſerie and findinge noe better way to reſtrayne the iñoderate plantinge of it; wee haue made that Act not to lett it paſſe from vs vnder the price of 6^d p̄ lb. w^ch will either enable us to pay our engagem^te, and ſoe ſet free our hands for other workes of better conſequence, or yf they will deale w^th vs at that price, we ſhall in good part be Impployed, neither doe wee ſoe much feare, that all marchaunts will be beaten of, as wee may iuſtlie diſpayre, if it ſhould goe at thoſe contemptable rates, w^ch they haue now brought it vnto, Howeuer we had rather want, then labour as ſlaves to other mens purſes; amonge

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amonge whome we haue good cauſe to complayne of Captayne *Tucker*, who hath farr exceeded all other marchaunts in the prizes of theire goods, wee doe alſo become humble ſuitorˢ that if any doe adventure hither, they will in the firſt ſupply us with armes and munition, eſpecially wee doe eſteeme quilted cotton Coates moſt benefitiall, wee are reſolued to plant ſtore of Corne, wherefore wee deſire, that none that are not reſident heere may receave Coñiſſion to trade in our Bay, whereby the benefitt that might accrew to the planter or diſcouerer will be fruſtrated by thoſe that bear no ſhare in any publique chardge, yoʳ Lorᵖᵖˢ may be pleaſed to conceive how great our expenſe is for publique occaſions, wherefore wee moſt humbly referr to yoʳ Lorᵖᵖˢ conſideration, that great charge and burthen, wᶜʰ lyet uppon the gouernoʳ more eſpecially, there beinge left no ſuch meanes to ſupport him, as p̄ceedinge gouernorˢ formerlie haue had hee haueinge now about fiue yeares beene reſident here, And by the pouertie of the tymes left wholly to vndergoe thoſe expences wᶜʰ the Concourſe of much people and other occaſions will drawe vppon him, Neither is the condicon of the Counſell, in theire * * * to be weighed, and in regard the low declencion of Tobacco will make our * * * to Capt *Mathewes* of leſſe value, then his expenſes, in buildinge the ffort at *Comfort*, he haueinge almoſt ſpent his fortunes and eſtate therevppon, and this * * * in Tobacco the cheifeſt ſtay of his ſubſiſtance, wee doe alſo become humble * * * the Cuſtomes therevppon may be graunted, vnto him, And wee beeſeech yr * * * to p̄ſent ouʳ humble peticone to his Sacred Maᵗᶦᵉ both in this behalfe and in behalfe of the Gouernoʳ and Counſell and wee ouʳ wyves and poore children as ouʳ dutie is ſhall euer pray for his Maᵗᶦᵉˢ long life and encreaſe of honoʳ * * * Yoʳ Lorᵖᵖˢ wee reſt and remayne

Virginia 6ᵗʰ of *March* 1631. Yʳ Lorᵖᵖᵘˢ very humble ſervants

ffrancis Epes Wm Perry Thomas Oſborne, Nicholas Martian, Thomas ffiynt, Thomas Willoughbie, Edward Scarborough, Walter Aſton, Thomas Harrewood, Richard Richards, John Southerne, Thomas ffarley, Thomas Jorden, John Howe, Thomas Seely, Thomas Crampe, Percivall Wood, Thomas Ramſhawe, John ffludd, George Downes.

[From the *Bancroft* Tranſcripts, *New York* Public Library, Vol. IV.]

[Papers of the 1637/38 Aſſembly.]

[King *Charles* I's Propoſitions to the Aſſembly of *Virginia*, *February* 1637/8.]

THE Kinges Ma^tie Comands are in theſe followeing Propoſitions. *Viz^t*

1 That y^e conſider and reſolve what quantityes of good and merchantable tobacco y^e will undertake to ſend yearely to the porte of *London* haveinge relacõn to more ſtaple and honorable comodityes wherein his Ma^ty has reſolved to give y^e all incouragem^t.

2. Next if any ſtock or ſome of mony ſhould bee provided to take of at reaſonable dayes of payment the ſaid quantity ſoe riſolved on, yo^e will conſider and reſolve what priſe and value peremptorily to ſett thereupon.

3 Next that y^e conſider of ſome conven^t place to bringe yo^r tobaccoe to, as to one or more appoynted Warehouſes.

4 Next his Ma^ty beinge informed of manie oppreſſions brought upon his Subjects by many Merchants & Maiſters of Shippes that in the tymes of theire neceſſityes take advantage to ſell cloathes and proviſions for theire ſupplyes at greate and exceſſive rates and covenanted to receave payment in tobacco accordinge to the poore and lowe value thereof & at that tyme w^ch they exacte from them in the ſame proporcõns his Ma^ty therefore out of his princely care and conſideracõn of his ſubjects have thought fitt that the Planters ſet downe howe farre they have ingaged themſelves and upon what debts and to whome and the tyme when the debts were made, and what thereof is discharged and payed, that upon retourne thereof to the Lord Treaſurer ſome order may bee taken for ſuch ſatisfacõn as ſhall bee found juſt and reaſonable to the Creditors.

5. Laſtly the Kinges will and pleaſure is that thoſe ſarthinges authorized to paſſe betweene man and man for rechaunge w^tin his Ma^ties realme of *England* ſhall bee made currant to paſſe in payment betweene man and man in theire coñerce & trade w^tin the Colony. And therefore that y^e take into conſideracõn what quantityes thereof may bee uſefull and fitt to bee vented here that notice may bee given thereof to the right hon^ble *Henry* Lord *Matravers* whoe is one of his Ma^ties Patentees for the makeinge and ventinge them in *England* and who (his Ma^ties will and pleaſure is) ſhall furniſh this Colony w^th ſuch quantityes as ſhall bee required by way of truck or exchaunge for comodityes vendible in *England*.

[The Burgeſſes' Anſwer to the King's Propoſitions.]

To the right Worſpll the Governor and Counſell of State.

The humble aunſwere of the Burgeſſes of this p'ñte grand Aſſembly to His Ma^ties Comaunds.

WHEREAS o^r moſt gracõus Soveraigne the Kings Ma^ty out of his Princely care of us his people, and this his Colony of *Virginia*, hath beene pleaſed to take into his royall conſideracõn the weake and meane eſtates of us his poore Subjects here inhabitinge occacõned partely through the vaſt quantity of tobaccoe by us here made as allſoe by the boundles deſire of gayne in thoſe w^ch yearely ſupply us, and to that purpoſe hath pleaſed to ſignifie his ſacred coñaunds unto us both for betteringe the quality and leſſeninge the quantity of our tobaccoe, And that wee ſhould ſignifie unto His Ma^ty what quantityes wee would yearely ſend home, and to ſett an exact price thereuppon.

1 Firſt in obedyence of w^ch coñaunds wee the Burgeſſes of this Grand Aſſembly doe upon the Bended knees of our harts proſtrate ourſelves at the feete of his moſt ſacred

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facred Ma^{ty} humbly intreatinge his highnes to bee pleaſed to admitt us the free benefitt and uſe of our comodity and to add unto us the continuance of his Princely aſſiſtance in conforminge all his Ma^{ts} people upon Plantačons plantinge tobaccoe, to confyne themſelves to the juſt proporcon of one thouſand five hundred plants per poll yearely prohibitinge all ratoones and ſecond cropps. Onely for this preſente yeare in regard wee ſtand doubtfull of the conformity of other plantacons w^{ch} will much prejudice the advaunce of the price of our comodity together wth reſpečte unto our ingagem^{ts} and taxes. Wee humbly intreate yt may bee lawfull for us to have the full uſe and benefitt of plantinge Tobaccoe not neglectinge the plantinge ſtore of corne, the propagating gardens and orchards, and the breedinge of cattle Hogges and powltry. And that noe tobaccoe may paſſe But ſuch as ſhall be found good and merchantable Wee deſire that twoe men or more may bee appoynted and ſworne in every pariſh to veiwe the tobaccoe of each cropp and what they ſhall find good to bee ſealed wth the ſeale appoynted for meaſuringe Barrells, and all other tobaccoe to bee Burnte.

2 *Secondly* wth the like ſubmiſſion unto his Sacred Ma^{ty} wee anſwere that wee conceave yt would much tend to the advance of the comodity of tobaccoe that a certen rate of 12^{d} ℔ 1^{lb} for ſome fewe yeares may bee ſet upon all the tobaccoes of this Colony and all other His Ma^{ts} plantačons and that a penalty may bee impoſed upon the planters not to parte wth yt at anie under rate, and that noe tobaccoe of this Colony Bee putt a Board anie Shipp or anie parcell of anie planters cropp Bee payed or receaved Before the firſt day of *February* yearely Before w^{ch} tyme wee conceave that all tobaccoes will have endured the hazard of ſpoyleinge whereby the glutt and vaſt quantityes of our tobaccoes will bee much leſſened, and His Ma^{ts} dutyes and cuſtomes much advaunced, when as noe pretence can bee made for the garblinge of tobaccoe in *England*. But ſuch as ſhall bee damnified by the inſufficyency of Shippinge. This courſe beinge begun may continue twoe or three yeares, by w^{ch} tyme reſpectinge the goodnes of the comodity wee may againe joyntely conclude to leſſen the quantity and raiſe the price, And if yt ſhall bee deemed His Ma^{ts} loſſe in fallinge from ſoe greate to a farre leſſer quantity of tobaccoe, our deſire is His Ma^{ts} profitts may bee raiſed wth ours. This wee conceave to bee the onely way to advaunce our comodity wherein at preſent conſiſts our cheefeſt releeſe and ſubſiſtance. And to enable us for the indeavouringe and undertakeinge of other comodityes of more worthie conſequence, and wthout this courſe yt is impoſſible for us to abate or leſſen ought of our indeavour from Tobaccoe more then the garblinge of yt heere w^{ch} will much leſſen the quantity in regard of the goodnes.

3 *Thirdly* wth the like obedyence unto our dread Soveraigne, Wee anſwere that the erectinge and buildinge of Stores and the Bringeinge of every man's tobaccoe unto them would bee very chargeable and burthenſome to the whole Colony w^{ch} at preſent wee are very unable to undergoe, beſides much hazard & the damadge and loſſe in ſpoylinge greate parte of our Tobaccoes. The caſuallty of wynd and weather beinge conſidered in reſpect of the remoatenes of our Plantačons one from another. And wee haveinge noe other meanes to export our tobaccoes but by Boatinge wee humbly intreate that Convenient ſhippinge may bee licenſed to come into every County where they will find every man's howſe a ſtore convenient enough for theire ladinge Wee Beinge all ſeated by the Riverſide.

4. *Fowerthly*, Whereas His Ma^{ty} hath taken into his princely care and conſideračon the unconſcyonable dealinges of Merchants and Seamen exactinge the prizes of theire goods accordinge to the neceſſity of the Colony whereby wee are brought into very greate ingagem^{ts} unto them. In all humblenes and thankfulnes unto His Sacred Ma^{ty} Wee anſwere that our reſolučons and indeavours are fully Bent to free our ſelves from that thraldom and to give the Merchants ſuch good and tymely ſatisfaccon as that they ſhall noe way bee diſcouraged from adventureing hither as formerly (although the price of our tobaccoe be raiſed w^{ch} in reſpect of leſſeninge the quantity and betteringe the Condičon the Merchants will the ſooner yeald unto) For the life of our beinge and ſubſiſtance principally conſiſts in our yearely ſupplyes, and our freedomes in the trade thereof

thereof, w^ch^ gives greate comforte unto us His Ma^tie^ poore Subjects, But many and unſpeakeable are the miſeryes of the Contract.

5. Laſtly, whereas His Ma^tie^ hath taken into his Royall conſideracon our want of a Currant coyne for the encouragem^t^ of tradeſmen to followe theire ſeverall profeſſions and hath bene gracouſely pleaſed to ſignifie unto us that the farthinge tokens that paſſe for currant rechaunge w^th^in his highnes kingdome of *England* ſhall bee made allſoe currant heere. Wee w^th^ the like obedience unto his Sacred Ma^tie^ doe anſwere that in regard the ſaid farthinges are very much under the value of them in copper and therefore ſubjecte to bee altered, that all tradeſmen and others will bee alltogether diſhartened to take them in ſatisfaccon for theire labours or in exchaunge for Comodityes. Wee therefore humbly deſire his highnes that the value of five thouſand pound *ſterlinge* may bee yearely ymported unto us untill wee bee ſufficyently furniſhed therew^th^, whereby Artificers may be encouraged to uſe theire trades Workemen ymployed in more honorable ymploym^tes^ then plantinge tobaccoe, and thereby the quantity thereof much leſſened by our ſeverall Indeavours in buildinge ſhippinge Erectinge of townes ſiſhinge gardeninge and raiſeinge of hogges and other Cattle Both for ſhippinge and trade w^ch^ are the mayne ſinewes of all flowriſhinge comon Weales. The w^ch^ may not well bee accompliſhed w^th^out a Coyne. And that y^t^ may bee the more porteable, Wee in all humility implore his ſacred Ma^tie^ to furniſh us w^th^ ſuch currant coyne of ſilver, under the values, for w^ch^ allowance of 10^d^ ℔ Centum for the benefitt and Incouragem^t^ of ſuch Merchants or others whome wee ſhall approve of that ſhall ingage themſelves by way of Banke or otherwiſe by exchaunge to ſatisfie all the exchaunge and engagem^tes^ fully accordinge to condicons.

All w^ch^ that wee may the better obteyne, Wee moſt humbly intreate the right Wo℔pll the Governor & Counſell to aſſiſte us in and Wee ſhall ever (as in duty bound) Pray &c

(Indorſed)

The Burgeſſes theire Firſt Anſwere to the Kinges Propoſicons.

[The Reaſons of the Burgeſſes' Anſwer—*Virginia*.]

To the right Wo℔ps the Governor and Counſell of State

THE reaſons to bee annexed to the anſwere of the Burgeſſes w^ch^ they have allready preſented.

1. *Firſt* wee humbly intreate your Wo℔ps to conceave that wee cannot reſolve what quantityes of o^r^ tobaccoe will bee yearely made in the Collony in reſpect of the uncerten nomber of people yearely comeinge and the mortallity of people here farre greater ſome yeares then others. Soe that wee are not at anie tyme certen of the nomber of our Inhabitants. And whereas wee deſire by our anſwere the free benefitt & uſe of our comodity the reaſon induceinge thus there unto is, that thereby people may bee incouraged to come out of *England* to plant and inhabite here, whereby the Collony will bee the better ſtrengthened and ſecured from anie trecherous practiſes of the Natives contrary to w^ch^ the reſtraynte of our liberty of plantinge will not onely diſharten all men from comeinge hither except ſuch as are inforced through wante & poverty But allſoe will cauſe many of the Inhabitants here to leave this Colony, and purchaſe the free uſe of theire labour in other plantacons ſoe that the Colony would bee thereby much weakned and in ſhorte tyme, in regard of our yearely mortallity wee ſhould bee diſabled to defend ourſelves, Cattle and Plantacons from the tyranny of the Indyans.

Further the limitacon of a certen nomber of plants ℔ poll hath allready cauſed diverſe of the Inhabitants to forſake their Plantacons and to neglecte the fencinge of grounds, the plantinge of corne, orchards and gardens, the makeinge incloſures, and paſture for cattle and other uſes, Beinge neceſſitated for theire preſente releefe and ſubſiſtance to remove and plant upon ſuch grounds as would yeald moſt Tobaccoe upon

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a Plante allthough they have ſuffered all other inconveniences thereby and ſuch as are not able to remove from theire ould and over worne grounds are kepte by the limitačon of a certen nomber of plants ℔ poll in perpetuall poverty and ingagem^{t}, in regard theire labour upon ſoe manie plants will not produce half ſoe much tobaccoe as others. And further in that wee have deſired that there might bee conformity in all his Ma^{ties} plantačons for the quantity of plantinge, Wee conceave that the vaſt and exceſſive quantityes of tobaccoe w^{ch} are yearely made in the *Cariba* Iſlands beinge generally twice as much ℔ poll at the leaſt as wee wth the uttermoſt of our indeavors can make, hath beene the onely meanes to beate downe the price of all tobaccoes, ſoe that wthout a conformity of plantinge in all his Ma^{ties} plantačons there is very little hopes eyther by the leſſeninge or betteringe our quantitye in this Colony to advaunce the price.

2. *Secondly*, Wee humbly intreate Your Worſps to conſider howe prejudicyall y^{t} will bee to the Settlem^{t} of this Colony for us to propound a ſome or ſtock of monie to bee yearely provided to take of our tobaccoes at a certen price, for wee conceave that the freé uſe and benefitt of the trade of our comodity will much encourage perſons of quality to adventure themſelves and theire Eſtates hither when they ſhall have free correſpondence wth theire freinds and other adventurers in *England* to bee furniſhed wth yearely ſupplyes, and to make the beſt proffitt in the ſale of theire tobaccoes, and animate the moſt induſtrious men in this Colony whoe have partely freed themſelves from the greedy exačons of the Merchants here by exportinge of theire tobaccoes yearely for *England* to bee ſould, for theire beſt advantage and retourned in neceſſary coñodityes and fyndeinge themſelves in ſoe good courſe have hitherto reſolved to ſettle theire Eſtates here for poſterity, and are thereby enabled in theire reſolučons to erect good buildinges, plantinge & propagatinge gardens and orchards, fenceinge and Inclosures for Cattle w^{ch} are the onely motives cauſeinge every man to accompte that place to bee his ſetled habitacõn where hee hath ſoe voluntarily ſpente his indeavours. W^{ch} on the contrary if wee ſhall bee denyed the free coñerce of our owne comodity, moſt men of ability and induſtry will converte theire whole Eſtates into tobaccoe & ſo reſolve to leave and forſake the Colony and take the oportunity of a preſent price for feare of future alteracõn therein, whoſe examples y^{t} is to bee doubted, that all men that can will followe, for proofe where of wee can inſtance divers in this Colony whoe fearinge the abridgm^{t} of theire former libertyes begin to repent theire ſeverall diſburſements ſome in good buildinge and others in purchaſeinge plantačons and buyeinge of Cattle. Wherefore yt is much to be feared that unles His Ma^{ty} will be pleaſed to continue us in our free indeavours the future hopes of this Colony will bee utterly ſubverted.

3. *Thirdly* wee humbly intreate yo^{r} worſps to conſider howe inconvenient and prejudiciall yt will bee to build warehowſes and to bringe our Tobaccoe to them, the reaſons wee have in parte ſett downe in our anſweres already preſented And further the greateſt parte of the Inhabitants are in wante of Boates and not able to procure them ſoe that they muſt bee forced to imparte wth a greate parte of theire croppes for the tranſporačon of the reſt unto a ſtore and when all the Tobaccoes of a County ſhall bee brought into one ſtore the caſualty of fyreinge the ſame w^{ch} may bee accidentally done eyther by the Indyans or other wiſe befids other danger of ſpoyleinge will cauſe diverſe perſons to bee in continuall feare of utter undoeinge haveinge no other meanes for the releefe & cloathinge of themſelves, theire wives, children and familyes, then their preſent cropp. All w^{ch} hazard will bee prevented by every man's keeping his owne coñodity and deliveringe yt from his houſe.

4. Wee humbly entreate Your Worſps to conſider howe unpoſſible yt is for us to give a generall accompte of the preſent engagm^{ts} of every perticular man and the tyme when the debts were made and what thereof is unpayed, when wee conceave that the third parte of the Countreys debts at the leaſt were made by perſons deceaſed and nowe remayne to be payed by theire Executors or Adminiſtrators whoe can give no other informačon

informacõn of them then that they are ſoe much indebted but for what conſideration the ſaid debts were made they are alltogether ignorant. For further ſatisfaccõn concerninge the ſowerth propoſition, wee humbly referre y^{u} to our anſwere allready preſented.

5. *Laſtly* wee humbly intreate Your worſps to conceave that wee are noe wayes doubtfull of the Lord *Matravers* or anie other whome His Ma^{ty} ſhall bee pleaſed to appoynte for ſupplyeinge us wth a coyne, Onely wee deſire that our coyne may bee ſomewhat neere the value, leaſt upon anie future alteracõn yt ſhould bee a meanes to undoe the whole Colony. And wee conceave that the ſome of five thouſand pounds *Sterlinge* yearely (as is expreſſed in our former anſwere) will bee ſufficyent for the payment of artificers and workmen.

[The Governor's Reply to the Burgeſſes' Anſwer.]

The Reply of the Governor and Counſell to the Anſwere of the Burgeſſes.

1. UPON peruſall of your anſwere wee find you have rather ſtudyed to ſerve your owne ends then His Ma^{ties} comaunds, and that y^{u} have rendred your ſelves uncapeable of treaty by denyeinge what your owne free conſents had formerly ſigned for inſtance whereof the laſt yeares acte concerninge the plantinge of tobaccoe as ſufficyent by w^{ch} yt appeareth that inſtead of a peremptory anſwere w^{ch} is required from you to what quantity y^{u} will ſubſcribe, You ſtrive and capitulate to inlarge the quantity your ſelves had formerly moderated Let former Aſſemblyes judge y^{u} wherein 1500 plants per poll was the then ſtint. And indeed ſoe empty of ſatisfaccon or civility is this your anſwere to the firſt propoſicon that whereas the kinge aſſures y^{u} that all other plantacõns ſhall bee regulated in theire quantity y^{u} ſeeme to keepe diſtance in your obedience from a preſumptuous doubt of his Ma^{ties} royall promiſe Soe that wee conceave y^{u} have not yet touched the poynte nor indeavoured at all to approach his Ma^{ties} commands for the leſſeninge your quantity.

2. The ſecond is of the ſame ſtrayne wth the former, nor doe y^{u} ſeeme deſirous to meete his Ma^{ties} pleaſure, But as men in love wth theire owne wayes ſtudy propoſicõns inſtead of anſweres.

3. The proofe is very pregnant howe unſtable a foundacon y^{u} build upon in maynteninge the exceſſe of this comodity of Tobaccoe when by pretendinge diſability to build ſtores y^{u} intimate howe ſick and languiſhinge a cõmon wealth y^{u} have yo^{r} poverty and diſability to undertakeinges of conſequence yearely increaſeinge upon y^{u} for howe otherwiſe could former Aſſemblyes voluntarily actuate that w^{ch} nowe the Kinges comaunds receave repulſe in.

4. Wee ſtill find y^{u} in love and league wth your owne humors and in a reſolute croſſenes to his Ma^{ties} propoſicõns and therefore wee fynd yt fitt to retourne yo^{r} anſwere as alltogether inſufficyent as allſoe full tyme to give y^{u} caution to call to conſideracon the laſt clauſe of his Ma^{ties} royall lres, whereby y^{u} may find his Ma^{ty} reſolved in caſe of your perverſenes to adviſe of ſome other courſe wth the Lords of his Ma^{ties} moſt honorable privy Counſell concerninge your future regulatinge.

5. Whereas the Kinges pleaſure is that the right honorable *Henry* Lord *Matrevers* ſhall have the rent of a Coyne hither wth a preſumptuous contradiccon and retortinge you would inſiſt upon ſuch perſons whoe ſhall ſtand wth your owne pleaſure and approbacon w^{ch} wee muſt not admitt for anſwere. And for yo^{r} laſt clauſe wherein y^{u} begge our aſſiſtance our reply is thus poſitive Wee cannot ſoe forgett our dutyes to that Maiſter and Kinge wee ſerve. And therefore if your anſwere ſtand upon theſe termes wee muſt diſſolve yo^{r} meetinge and retourne your diſobedyence

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[The Burgeſſes' Anſwer to the Governor.]

To the right worpll the Governor and Counſell of State.

The humble anſwere of the Burgeſſes of this grand Aſſembly to the ſecond Reply.

WEE have accordinge to your Woſps propoſicon w^th^ our beſt indeavo^rs^ compoſed our former anſweres and reaſons together and wee humbly intreate your woſps to conceave that the limittacon of planting hath cheefely hindred the ſettinge ploughes to work and other good undertakeinges, for thereby divers perſons of good ability have beene forced from theire ould plantaćons w^ch^ are the onely grounds uſefull for the plough, and are ſtill deterred from makeinge anie reſolved ſettlem^t^ in reſpect they have beene compelled by theire then preſente occaćons to ſeeke out and plant uppon thoſe grounds w^ch^ would yeald moſt tobaccoe upon a plant. W^ch^ if liberty of plantinge had beene permitted they would not have done. And further wee humbly intreate your Woſps to conceave that the cheefeſt meanes to leſſen the quantity and better the quality of tobaccoe will be to take an exaćte and carefull courſe in veiweinge all tobaccoe and burninge that w^ch^ is bad. For by the due execucon thereof all men will deſiſt from theire vaſt quantityes and indeavour to excell in the goodnes w^ch^ hath allwayes beene helpefull to the price Whereas for ſome fewe yeares paſt the reſtraynt and limitacon hath beene very prejudiciall to the goodnes of moſt tobaccoes in the Colony by the gatheringe of leaves neare the ground wantinge ſubſtance and of an earthie ſent and taſt and the makeinge of ſecond croppes. The planters for theire preſent ſubſiſtance ſtriveinge to make the moſt tobaccoe of ſoe manie plants & poll allthough they have thereby hazarded the ſpoyleinge of theire whole cropps. Neither hath former limittacons ought leſſened the quantity of tobaccoe for at leaſt twoe thirds of the Inhabitants have thereby had liberty in reſpect of theire familyes to plant as much or more then theire Workers in the ground could compaſſe to tend ſoe that the reſtraynte hath beene onely prejudicyall to ſome fewe men w^ch^ for the moſt parte have neither cattle nor anie other ſubſiſtance but theire labours further wee humbly intreate your wōps to conceave that moſt of the Inhabitants of this Colony are ſenſible of the neceſſary helpe and benefitt of draught oxen and ploughes that all men of ability haveinge the meanes for ſuch undertakeinges will indeavour as ſoone as they can to obteyne and ymploy them.

[The Burgeſſes' Anſwer.]

To the right Worpll the Governo^r^ and Captayne Generall of Virginia *and the Counſell of State.*

The humble anſwere of the Burgeſſes of this preſent Grand Aſſembly unto the Kinges Ma^tie^ Comaunds.

WHEREAS o^r^ moſt gracous Soveraigne the Kinges Ma^tie^ out of his princely care of us his people and this his Colony of *Virginia* hath beene pleaſed to take into his Royall conſideracon the weake and meane eſtate of us his poore Subjects, occaſiond partely through the vaſt quantityes of tobaccoes by us here made, as allſoe by the boundles deſire of gayne in thoſe w^ch^ yearely ſupply us, and to that purpoſe hath beene pleaſed to ſignifie his ſacred comaunds unto us both for betteringe the quality & leſſening the quantity of our tobaccoes and that wee ſhould ſignifie unto his ſacred Ma^tie^ what quantityes wee could yearely ſend home, and to ſett an exaćt price thereupon. Firſt in obedience to w^ch^ comaunds Wee the Burgeſſes of this preſent Grand Aſſembly upon the bended knees of our harts, doe proſtrate our ſelves at the feete of his moſt ſacred Ma^tie^ humblie intreatinge his highnes will bee gracouſelie pleaſed to conceave that in reſpećte of the uncerten nomber of people yearely comeinge hither and the mortality here, being ſome yeares farre greater then others wee are unable to

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to reſolve what quantities of tobaccoes will bee yearely made in this Colony, And wee further implore his ſacred Ma^tie to admitt us the free uſe and benefitt of our comodity to incourage other people yearely to tranſport themſelves hither to inhabitt, w^ch will the better ſtrengthen and ſecure us againſt the trecherous praćtiſes of the Natives, the reſtraynte and abridgment of w^ch liberty will not onely diſharten all men from comeinge hither (except ſuch as are inforced through wante and poverty) but will cauſe many of the Inhabitants here to leave the colony and purchaſe the free uſe of theire labour in ſome other plantaćon ſoe that the Colony in ſhort tyme in reſpećt of our yearely mortality will bee brought into ſoe meane and miſerable eſtate as that wee ſhall not bee able to defend ourſelves, cattle and plantacons from the tyranny of the Natives And further wee humbly intreate his Ma^ty will bee pleaſed to add unto us the continuance of his princely aſſiſtance, in conformeinge all his highnes Subjećts of other Plantacons plantinge Tobaccoe to confyne themſelves to the juſt proporcon of 1500 plants ℔ poll prohibitinge all ratoones and ſecond cropps and for ſome fewe yeares to ſet the certen rate of twelve pence ℔ pound upon all tobaccoe w^th a penalty to bee layed upon the planter to parte w^th yt at anie under rate in regard the waſt and exceſſive quantityes of tobaccoes w^ch are yearely made in the Southerne parts of *America* beinge twice ſoe much at the leaſt ℔ poll (as wee w^th the uttermoſt of our indeavours can make) hath beene the cheefeſt meanes to beate downe the price of all Tobaccoes. This courſe beinge begun may continue twoe or three yeares, by w^ch tyme wee may againe joyntly conclude to leſſen the quantity and raiſe the price and if yt ſhall bee deemed his Ma^tie loſſe in his cuſtomes by fallinge from ſoe greate to a farre leſſe quantity of tobaccoe Wee humbly deſire that his Ma^tie profitts may bee raiſed w^th the price, this wee conceave to bee the onely way to advance the comodity of Tobaccoe wherein at preſent conſiſts our cheefeſt releefe and ſubſiſtance and to enable us for the undertakeinge of other comodities of more worthie conſequence.

In the meane tyme wee humbly intreate to have the free uſe and benefitt in the trade of our tobaccoe w^ch will much incourage perſons of quality to adventure themſelves and eſtates hither, when they ſhall have free correſpondence w^th theire freinds and other Adventurers in *England* to bee furniſhed w^th yearely ſupplyes. And to make the beſt profitt in the ſale of theire owne comodityes and animate the moſt induſtrious men of this Colony whoe have partely freed themſelves from the greedy exacćons of Merchants here by exporting theire tobaccoe yearely for *England* to bee ſould for the beſt advantage and retourned in neceſſarie comodityes whoe fyndeinge themſelves in ſoe good courſe have hitherto reſolved to ſettle theire eſtates here for poſterity and thereby are inabled in theire reſolućons to ereći good buildinges plantinge and propagatinge gardens and orchards fenceinge and incloſures for cattle w^ch are the greateſt motives cauſeinge every man to accompt that place to bee his ſettled home Wherein hee hath ſoe voluntarilie ſpente his indeavours the reſtraynte of w^ch free comerce of our comodity will bee a meanes to cauſe moſt men of ability and induſtry to converte theire whole eſtates into tobaccoe and ſoe forſake the Colonie and take the oportunity of a preſent price for feare of future alteracon therein whoſe examples yt is doubtfull all men that can will followe, for proofe whereof wee can inſtance diverſe in the Colony whoe fearinge the abridgem^t of theire former libertyes begin to repent theire ſeverall diſburſem^te ſome in good buildinge others in purchaſeinge plantacons and buyeinge of cattle wherefore yt is much to bee feared that unles his Sacred Ma^tie will bee pleaſed to continue us in our free indeavours, the future hopes of this Colony will bee utterly ſubverted.

And in the meane tyme untill wee ſhall have certen aſſurance of all other his Ma^ties Plantacons in reſpećt of our preſent ingagem^te and in that the former limittacon of 1500 plants ℔ poll hath already cauſed diverſe of the Inhabitants here to forſake theire plantacons, and to negleći the fenceinge of ground the plantinge of corne orchards and gardens the makeinge of paſtures for cattle and other incloſures whoe have beene neceſſitated for theire preſente releefe and ſubſiſtance to remove and plant upon ſuch ground as will yeald moſt tobaccoe upon a plante allthough they have ſuffered all other inconveniences

inconveniencies thereby And ſuch as have not beene able to remove from theire ould and overworne plantaçons have beene kept by that limittaçon in continuall poverty and ingagem^{ts}. In regard theire labour upon ſoe manie plants would not produce halfe ſoe much tobaccoe as others upon newe ground. Wee humbly intreate that wee may have the free liberty of plantinge tobaccoe as well as thoſe his Ma^{ts} Subjects upon other plantaçons untill there bee a generall conformity and that noe tobaccoe may paſſe but ſuch as ſhall bee founde good and merchantable. Wee humbly deſire that twoe men or more in every pariſh bee appoynted and ſworne to veiwe the tobaccoe of each man's cropp and what they ſhall find good to bee ſealed wth the ſeale appoynted for meaſures, and all other tobaccoe to bee burnte, And further that noe tobaccoe ſhall bee payed or receaved out of anie man's cropp or putt on board anie Shipp before the firſt day of *January* yearely before w^{ch} tyme wee conceave all tobaccoe will have endured the hazard of ſpoyleinge ſoe that the glutt and vaſt quantity of our tobaccoe will bee much leſſened and his Ma^{ts} dutyes and cuſtomes much advaunced When as noe pretence can bee made for the garblinge of tobaccoe, But ſuch as ſhall bee damnified by the inſufficyency of ſhippinge.

With the like obedience unto our dread Soveraigne wee humbly anſwere that the erectinge and buildinge of generall warehowſes and bringeinge our tobaccoe unto them will bee very chargeable and burthenſome to the Colony w^{ch} at preſent wee are very unable to undergoe Beſides much hazard of the damadge and ſpoyleinge our tobaccoes by boatinge in reſpecte of the remoutenes of our plantaçons one from another, the caſuallty of wynd and weather beinge conſidered and the greate charge to moſt of the Inhabitants whoe for want of ſufficyent boates and meanes to procure them will bee continually inforced to pay for the tranſportacon of theire tobaccoes unto the ſaid Stores or Warehowſes, allſoe the continuall danger of fyreinge ſuch ſtores eyther by the Indyans or otherwiſe, W^{ch} accident happenninge would bee the utter undoeinge of diverſe of his Ma^{ts} poore ſubjectes whoſe yearely cropps are the onely meanes for the releſe of themſelves theire Wives, Children and Familyes wth cloathinge and other neceſſaryes Wherefore wee humbly intreate that convenient ſhippinge may bee licenſed to come into every County where they will find every man's howſe ſtores convenient for theire ladeinge, Wee beinge all ſeated by the rivers ſide.

And whereas his Ma^{ts} hath taken into his Princely care and conſideraçon the unconſcyonable dealinges of Merchants and Seamen exactinge the prices of theire goods accordinge to the neceſſity of the Colony whereby wee are brought into very great ingagements Wee humbly intreate your worps to conſider howe unpoſſible yt is for us to give a generall accompt of the preſent ingagem^{ts} of every particular man and the tyme when the debts were made and what thereof is unpayde when wee conceave that the third parte of the Countryes debts at the leaſt were made by partyes deceaſed and nowe remayne. to bee payde by theire Executors and Adminiſtrators whoe can give noe other informacõn then that they are ſoe much indebted But for what conſideracon the ſaid debts were made they are alltogether ignorant. Further wth all ſubmiſſion and thankfullnes unto our gracous Soveraigne Wee anſwere that our reſoluçons and indeavours are fully bent to free our ſelves from the thraldome of debtes and to give the Merchants ſuch good and tymely ſatisfaccon as that they ſhall noe way bee diſcouraged from adventuringe hither as formerly allthough the price of our Tobaccoe bee raiſed w^{ch} in reſpect of leſſeninge the quantity and betteringe the condicon thereof the Merchants will the ſooner yeald unto, for the life of our beinge and ſubſiſtance principally conſiſts in our yearely ſupplyes. And our freedomes in the trade thereof w^{ch} gives great comfort to us his Ma^{ts} poore Subjects But many and unſpeakeable are the miſeryes of contracte.

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Laſtely Whereas his Ma^tie hath taken into his royall Conſideracon the wante of a Coyne for the incouragem^t of tradeſmen in the Colony to followe theire ſeverall profeſſions and hath beene gracouſely pleaſed to ſignifie that the farthinge tokens that paſſe for currant rechaunge w^th in his highnes Kingdome of *England* ſhall bee made currant heere, Wee w^th the like obedience unto his ſacred Ma^tie doe anſwere that in regard the ſaid farthinges are very much under value of them in copper and therefore ſubject to future alteracons all tradeſmen and others will bee diſhartened to take them in ſatisfaccon for theire labour or in exchange for comodityes. Wee therefore humbly intreate our gracous Soveraigne that the value of £5000 *ſterlinge* may bee yearely tranſported into the Collony untill wee ſhall ſufficyently bee furniſhed therew^th, W^ch ſome wee conceave to bee ſufficyent for the paym^t of Artificers and Workemen for ſome fewe yeares, And will cauſe them and diverſe others to deſiſt from plantinge tobaccoe to followe other more worthie ymployments as erectinge of Townes, buildinge of ſhippinge fiſhinge and gardeninge and breedinge of cattle and hogges both for the proviſion of ſhippinge and trade in the Colony w^ch are the mayne ſynewes of all flouriſhinge comon Weales, And further wee humbly intreate his ſacred Ma^tie that the ſaid yearely ſome of £5000 *ſterlinge* may bee a currant coyne of ſilver ſome what under the value w^th the allowance of tenne ℔ centum for the incouragem^t of the undertakers whome his Ma^ty ſhall appoynt to ingage themſelves by way of Banck or otherwiſe by Exchaunge. And wee humbly intreate your Wo^ſps to affiſte us in theſe our ſubmiſſive requeſts, and wee, as in duty bound, ſhall ever pray &^c

(Indorſed)
"*Virginia*"
"The laſt Anſwere of the Burgeſſes"

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[From *Hening's* Statutes at Large, I, 230-238.]

[Two Papers of the 1641/42 Aſſembly.]

The Declaration againſt the Company to be entered as the twenty-firſt act.

TO all chriſtian people to whom theſe preſents ſhall come to be read, heard or underſtood, We the Governor, Council and Burgeſſes of the Grand Aſſembly in *Virginia* ſend greeting in our Lord God Everlaſting: Whereas *George Sandis*, Eſq. being appointed agent for the colony by an Aſſembly 1639 hath exhibited a petition in the name of the adventurers and planters in *Virginia* to the Honourable Houſe of Commons in Parliament in *England* for the reſtoring of the letters patents of incorporation to the late Treaſurer and Company—miſtaking his advice and inſtructions from the ſaid Aſſembly; for his ſo doing it being neither the meaning nor intent of the ſaid Aſſembly or inhabitants here for to give way for the introducing of the ſaid company or any other.

To which intent and purpoſe this Grand Aſſembly having fully debated and maturely conſidered the reaſons on both ſides as well arguing for as againſt a company and looking back into the condition of the times under the company as alſo upon the preſent ſtate of the colony under his majeſties government they find the late company in their government intollerable the preſent comparatively happy and that the old corporation cannot with any poſſibility be again introduced without abſolute ruin and diſſolution to the colony for theſe reaſons following, *viz*t.

1ſt. The intollerable calamity of the colony we find proved by many illegal proceedings and barbarous torments inflicted upon divers of his majeſties ſubjects in the time of the ſaid companies government all which appear *per* depoſitions taken at a Grand Aſſembly *anno* 1632 and is known to divers now living in the colony.

Alſo we find the whole trade of the colony to the general grievance and complaint of the inhabitants then and now appearing to us monopolized by the ſaid company inſomuch that upon the going home of any perſon for his country it was not free for him to carry with him the fruits of his labour for his own comfort and relief but was forced to bring it to the magazine of the company and there to exchange it for uſeleſs and unprofitable wares.

2dly. The preſent happineſs is exemplified to us by the freedom of yearly aſſemblies warranted unto us by his majeſties gracious inſtructions and the legal trial *per* juries in all criminal and civil cauſes where it ſhall be demanded. And above all by his majeſties royal incouragement unto us upon all occaſions to addreſs ourſelves unto him by our humble petitions which doth ſo much diſtinguiſh our happineſs from that of the former times that private letters to friends were rarely admitted paſſage.

To the *third* for introducing the old corporation without ruin and diſſolution to the colony at preſent as a thing not poſſible we conceive we have theſe juſt grounds.

1ſt. There can be no right or property introduced for them without proving the illegality of the King's proceedings ſo that all grants ſince upon ſuch a foundation muſt of conſequence be * * * and tending to diſpleaſure, we the preſent planters enjoy our lands by immediate grant from his majeſty if (as it is argued in their petition) the King had no power to grant our poſſeſſions muſt give place to their claim which is one invincible argument (as we conceive) of the ruin and diſſolution to the colony at preſent; when if their pretences take place we muſt be outed of all, And whereas it is alledged that the charter of orders from the Treaſurer and Company *anno* 1618, gives us claim and right

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right to be members of the corporation *quatenus* planters we find the company by the ſaid charter where members planters and adventurers are conſidered by themſelves and diſtinguiſhed in privileges from planters and adventurers not being members and we further find ourſelves (being the King's grantees) in the ſaid charter condemned, the clauſe plainly pronouncing in theſe words (we do ordaine that all ſuch perſons as of their own voluntary will and authority ſhall remove into *Virginia* without any grant from us in a great and general quarter court in writing under our ſeals ſhall be deemed, as they are, occupiers of our land that is to ſay of the common land of us the ſaid Treaſurer and Company) much more ſuch grantees as have their right from an erronious judgment as they pretend.

2dly. That if the Company be renewed by which means they as aforeſaid have leave and the ſtrength of their own charter of orders publicly in this colony to diſplant us the wiſer world we hope will excuſe us if we be wary to depart with what (next our lives) neareſt concerns us (which are our eſtates being the livelihood of ourſelves, wives and children) to the curteſy and will of ſuch taskmaſters from whom we have already experimented ſo much oppreſſion.

3dly. We may not admit of ſo unnatural a diſtance as a company will interpoſe between his ſacred majeſty and us his ſubjects from whoſe immediate protection we have received ſo many royal favours and gracious bleſſings

For by ſuch admiſſion

1ſt. We ſhall degenerate from the condition of our birth being naturalized under a monarchical government and not a popular and tumultuary government depending upon greateſt number of votes of perſons of ſeveral humours and diſpoſitions as this of a company muſt be granted to be from whoſe general quarter courts all laws binding the planters here did and would again iſſue.

2dly. We cannot without breach of natural duty and religion give up and reſign the lands which we had granted and hold from the king upon certain annual rents (fitter as we humbly conceive if his majeſty ſhall ſo pleaſe for a branch of his own royal ſtem then for a company) to the claim of a corporation; for beſides our births our poſſeſſions enjoin us as a fealty without a *ſalvaſide aliis dominis.*

We conceive by admiſſion to a company the freedom of our trade (which is the blood and life of a commonwealth) is impeached; for they who with moſt ſecret reſervation and moſt ſubtility argue for a company tho' they pretend to ſubmit the government to the King yet they reſerve to the corporation propriety to the land and power of managing the trade, which word managing in any ſence taken we can no ways interpret, then a convertable to monopolizing; for whether in this ſence that all the commodities raiſed in the colony ſhall be parted with, exchanged or vended at ſuch rates and priſes as they ſet down or ſuch wares and merchandize as they ſhall import or be diſpoſed into their magazine or ſuch bottoms as ſhall from time to time be licenſed or ordered by them, or whether in this ſence that the planters [obtain?] only ſuch comodities and in ſuch proportions as by advice and determination of their quarter courts ſhall be directed, ſtill the terms and condition of the planters are ſubjected to a monopoly that is to their ſole guidance governing and managing with what reaſon we leave to the world to judge; for tho' we ſubmit in depth of judgment and underſtanding to ſuch as ſhall fit at the helm there, yet it is very poſſible and indeed moſt probable that at this diſtance wiſe men may miſtake and there is more likelyhood that ſuch as are acquainted with the clime and the accidents thereof may upon better grounds preſcribe our advantages both for quantity and quality of commodities which by the bounty of his majeſty we now enjoy by our Grand Aſſembly and in any other way will be deſtructive unto us according to our poſſeſſion.

Though

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Though we may admit the pretence that the government ſhall be made good to the King that is that the King ſhall nominate and appoint the Governor. Firſt we find it directly (beſides the ſcope of the part which inſiſts upon the reſtoring of the company in all formalities next we take it at beſt but for a falicie and trap not of capacity enough to catch men with eyes and foreſight for upon a ſuppoſition that a governor ſhall be named and appointed by his majeſty yet his dependance (ſo far forth as continuing or diſplacing) will by reaſon of their power and intereſt in great men there reſt in them which neceſſarily brings with it conformity to their wills in whatſoever ſhall be commanded, which how pernicious it will be to the colony according to our aſſertion in this head we leave to the ableſt judgments.

We the Governor, Council and Burgeſſes of this preſent Grand Aſſembly having taken into ſerious conſideration theſe and many other dangerous effects which muſt be concometant in and from a company or corporation have thought fit to declare and hereby do declare from ourſelves and all the commonalty of this colony that it was never deſired, ſought after or endeavoured to be fought for either directly or indirectly by the conſent of any Grand Aſſembly or the common conſent of the people. And we do hereby further declare and teſtifie to all the world that we will never admit the reſtoring of the ſaid company or any for or in their behalfs ſaving ourſelves herein a moſt faithful and loyal obedience to his ſacred majeſty our dread ſoverain, whoſe royal and gracious protection and allowance and maintenance of this our juſt declaration and proteſtation we doubt not according to his accuſtomed clemency and benignity to his ſubjects to find. And we do further enact and be it hereby enacted and manifeſted *per* authority aforeſaid that what perſon or perſons ſoever either is or hereafter ſhall be any planter or adventurer ſhall go about by any way or means either directly or indirectly to ſue for advice, aſſiſt, abet countenance or contrive the reducing of this colony to a company or corporation or to introduce a contract or monopoly upon our perſons, lands or commodities upon due proof or conviction of any of the premiſes, (to wit) by going about by any way or means to ſue for, adviſe, aſſiſt, abet, countenance or contrive the reducing of this colony to a company or corporation, or to introduce a contract or monopoly as aforeſaid, upon the due conviction as aforeſaid ſhall be held and deemed an enemy to the colony and ſhall forfeit his or their whole eſtate or eſtates that ſhall be found within the limits of the colony the one half ſhall be and come to public uſes the other moiety or half to the informer. This act to be in force and the penalty therein contained to extend to all the adventurers and planters now reſiding in the colony upon the publication at *James City* and to all adventurers and planters now in *England* or elſewhere out of the limits the colony within five days after the arrival of this our ſaid declaration, proteſtation and act within the kingdom of *England*, ſigned under our hands and ſealed with our ſeal of the colony at *James City* the firſt day of *April* in the year of our Lord 1642 and in the eighteenth year of the reign of our ſoverain Lord *Charles* over *England*, &c.

The Governor, Council and Burgeſſes of this preſent Grand Aſſembly taking into ſerious conſideration the many and weighty buſineſs begun in this preſent Grand Aſſembly and which yet do remain unfiniſhed and to prevent all doubts whether the paſſing of the acts already agreed upon will not be a determination of this Aſſembly do hereby enact and by the authority of this preſent Grand Aſſembly be it enacted that notwithſtanding the paſſing and enacting of divers acts already agreed upon this preſent Aſſembly ſhall left be determined but that it be adjourned to the *Thurſday* in Whitſon week being the ſecond day of *June* next coming at which time and day the whole body of this preſent Aſſembly conſiſting of the Governor, Council and Burgeſſes ſhall repair to *James City* then and there to determine and finiſh all ſuch matters as ſhall be found neceſſary to be concluded

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concluded and enacted whether in matters already begun or other buſineſs that ſhall then begin or be propoſed that may redound to the glory of God, the honour of his majeſty and the good of the Colony.

William Berkeley.

Fran. Wyat, Sam. Mathews, Cha. Wormely, Wm. Peirce, Geo. Menefy, Henry Brown, Thos. Pettus, Rich'd Bennet.

Geo: Ludlowe.

Rich'd Townſhead
John Upton
Obedience Robins
Ben: Harriſon
Thos. Dewe
John Hill
Ferd. Franklin

John Weale
Edw'd Hill
Thos. Harwood
Nath. Gough
Jos. Johnſon
Math. Chiles
Wm. Dacker

Wm. Butler
Thos. Fallowes
Geo. Worleigh
Geo. Hardy
Fra. Fowler
Thos. Bernard
Edward Windham.

God Save the King.

A Remonſtrance[1] of the Grand Aſſembly.

WHEREAS the natural and moſt wiſhed effects of Aſſemblys may ſummarily be comprehended and [in] the ordering and enacting of good and wholeſome laws and ratifying and relieving of ſuch diſorders and grievances which are incident to all ſtates and republic[s] in which conſiderations this Aſſembly may ſeem to have declined and ſwerved from thoſe true intents of ſo happy conſtitutions if their endeavours and declarations be apprehended either by a bare view of the laws few in number and therefore not anſwering the expectation of a meeting exceeding cuſtomary limits of time in this place uſed or by comparing the payments and levies now impoſed much more free and in reſpect that in them the grievance of the inhabitants were principally ſtated,

It is therefore thought fit by them to preſent and remonſtrate to the colony the weighty conſequence and benefits redounding thereto by their late conſultations.

1ſt. The firſt is inſtanced by repealing the act of four pound *per* poll yearly to the Gov. which is a benefit deſcending unto us and our poſterity which we acknowledge contributed to us by our preſent Gov.

Next by aboliſhing condemnations and cenſures (preſidental from the time of the corporation) of the inhabitants from colonies ſervice wherein we may not likewiſe ſilence the bounty of our preſent Governor in preferring the public freedom before his particular profit in which act alſo we may pronounce the inhabitants abſolutely to have recorded the birthright of their mother nation and the remains of the late companys oppreſſion to be quite extinguiſhed.

3dly. The near approach which we have made to the laws and cuſtoms of *England* in proceedings of the court and trials of cauſes.

4thly. The rules and formes ſet down for deciding of differencies and debates concerning titles of land and otherwiſe.

5thly. The appropriating and accomodating of pariſhes with metes and bounds that God Almighty may be the more duly ſerved.

6thly.

[1] "Remonſtrance" here means a ſtatement or repreſentation.

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6thly. The treaties and overtures with the Gov. of the province of *Mariland* requiring much time for maturing and very ſucceſsful in opening a trade in the Bay of *Cheſſepiake.*

7thly. The ſetling of peace with friendſhip with the Indians by mutual capitulation and articles agreed and concluded on in writing by many meſſages and interruptions lengthened.

8thly. The Common grievances releived and removed in aſſeaſments proportioning in ſome meaſure payments according to mens abilities and eſtates augmented unto the wealtheir ſort by the number of the milk kind and in that relief afforded to the poorer ſort of the inhabitants which courſe through the ſtrangneſs thereof could not but require much time of controverting and debating.

9thly. Laſtly the gracious inclination of his majeſty ever ready to our protection and now more particularly aſſured to us together with the concurrence of a happy parliament in *England* were the greater motives to us to take the opportunity of eſtabliſhing our liberties and privileges and ſetling our eſtates often heretofore aſſaulted and threatned and was lately invaded by the late corporation and of preventing the future deſigns of monopolizers contractors and preemptors ever hitherto inceſſant upon us not only bereaving us of all cheerfulneſs and alacrety but uſurping the benefit and diſpoſition of our labours and we apprehended no time could be miſpent or labour miſplaced in gaining a firm peace to ourſelves and poſterity and a future imunity and eaſe from taxes and impoſitions which we expect to be the fruits of our endeavours and to which end we have thought it ſeaſonable for us liberally and freely to open our purſes not doubting but all well affected perſons will with all zeal and good affection embrace the purchaſe and pray to Almighty God for the ſucceſs.— Given at a Grand Aſſembly at *James City* the firſt of *July* 1642.

William Berkeley.

[From the *Bancroft* Tranſcripts, *New York* Public Library, V, 435-437.]

[King *Charles* I. to the Governor Council & Aſſembly of *Virginia.*]

C. R. 5 *July* 1642.

TRUSTY and Wellbeloved. Wee greet you well, Whereas Wee have received a Petition from you, Our Governor Council and Burgeſſes of the Grand Aſſembly in *Virginia*, together with a Declaration & Proteſtation of the firſt of *Aprill* againſt a Petition preſented in yo^r^ names to our Houſe of Commons in this our Kingdome for reſtoring of the Letters Patents for the Incorporacon of the late Treaſ^r^ and Company contrary to our intent and meaning, And againſt all ſuch as ſhall ſo go about to alienate you from Our immediate Protection.

And Whereas you deſire by yo^r^ Petition that Wee ſhould confirm this yo^r^ Declaration and Proteſtacon under Our Royall Signet, & tranſmit it to that our Colony. Theſe are to ſignify that yo^r^ acknowledgment of our great bounty and favour towards you, and yo^r^ ſo earneſt deſire to continue under our immediate Protection is very acceptable to us; And that as Wee had not before the leaſt intention to conſent to the introduction of any Comp^a^ over that our Colony So Wee are by it much confirmed in our former reſolucons, as thinking it unfitt to change a forme of Government wherein (beſides many other reaſons given and to be given) Our Subjects there (having had ſo long experience of it) receive ſo much contentment and ſatisfaction. And this our approbacon of yo^r^ Petition and Proteſtacon, Wee have thought fit to tranſmitt unto you under our Roy^all^ Signet, Given at our Court at *Yorke* the 5^th^ day of *July* 1642. To Our Truſty and Wellbeloved Our Governor Councill and Burgeſſes of the Grand Aſſembly in *Virginia.*

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[From the *Virginia* Magazine of Hiſtory and Biography, XXIII, 237-239.]

[Orders Paſſed at the 1643/44 Seſſion.]

June 3d 1644:

IT is ordered by the Authority aforeſaid that the laſt yeares Sherriffes throughout this Collony reſpectively doe at the next ſeſſion of Aſſembly bring in all theire Accoumpts of the laſt yeare. And they are further hereby required to take due Notice hereof as they will anſwere the Contrary at theire ℔ill.

It is ordered by the Authority aforeſaid that whereas by the late bloody Maſſacre divers buſyneſſes have wanted theire preſent diſpatch and eſpecially the Adminiſtration of the Oath a matter of noe meane Conſequence in theſe dangerous tymes. *It is therefore ordered* that the Comrs of each County fortwth doe ſee the due execution thereof according to the former order to that purpoſe provided.

Whereas New Matters of Importance hath nowe moſt unexpectedly interpoſed itſelf, as allſoe the deplorable eſtate of this afflicted Country being unable to Mannadg the affaires that doth contynually aryſe by reaſon of this preſent Warre. being noe wayes furniſhed wth a fitt ℔porcon of Armes. and Amunition, for the preſervation and ſafety thereof. But that in all likelyhood may declyne to a ſodaine Ruine and Defolation. *It is therefore ordered by this ꝓſent Grand Aſſembly* that the Governor bee entreated to repaire for *England*. and Implore his Mats gracious aſſiſtance for our Releife wch Motion and deſires of our he having willingly embraced. It is thought fitt this preſent Aſſembly having uſed theire beſt endeavors for the Countrys defence & preſervation. that it bee ordered that there bee an adiournmt untill the 15th day of *November* next at wch tyme all Buſyneſſes nowe depending may then receive a finall determination. And that the Sherriff of each County bee hereby authorized and Comanded to give Notice to the Burgeſſes of each County to make theire Repaire to *James Citty* at the tyme aforeſaid. hereof they may not faile as they will anſwere the Contrary at theire ℔ill.

It is ordered by this ꝓſent Grand Aſſembly that Mr *Cornelius Loyd* bee imployed to the *Dutch* Plantacon the *Sweeds* and *New England*. as agent for the Country. and that he have Commiſſion granted him for that purpoſe. Whoe hath freely proffered for the expedition of the voyadge beſides his owne ſervice to Lend the Country thirty barrels of Corne and Sixe hogſheads of Tobo And what Amunition ſhall bee brought in to bee diſpoſed of by the Governor & Counſaile.

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[From the *Virginia* Magazine of History and Biography, XXIII, 239.]

[Order Paſſed at the *October* 1644 Seſſion.]

October 2d *Ao* 1644.

IN reſpect of the preſent Inability of divers peoples wthin this Collony by the late Maſſacre. *It is therefore thought fitt and accordingly ordered. by the authority of this preſent grand Aſſembly.* That all ſervants Armes Amunition and Corne wch is for every ones proviſion for the preſent, bee free & exempted from the Rigour of execution. And this to contynue till the next Aſſembly.

[From the *Virginia* Magazine of Hiſtory and Biography, XXIII, 240, 241.]

[Orders Paſſed at the *March* 1645/46 Seſſion.]

WHEREAS the Yeare was farre ſpent, before the Levyes were appoynted and p'porčoned: w^ch^ hath occaſioned very badd paym^te^ to the great detriment of the Creditors to the publique Levy. W^ch^ was not in the poſſible power of the late ſherriffes to prevent; *It is therefore thought fitt* that the ſaid Sherr: *vist* of the laſt yeare bee and are hereby authorized to demand and receive ſpecialtyes, w^th^ ſecurity and forbearance for all arreares due to the publique, eyther in theire owne names, or in the names of the Creditors, yf they ſhall ſoe deſire it, for paym^t^ at the next Cropp; w^th^ power to the ſaid ſherriffes in caſe the debtors ſhall deny eyther paym^t^ or ſecurity and forbearance as aforſaid. That then the ſaid ſherriffes ſhall have power to diſtrayne. And that the new elected ſherriffes in caſe of non paym^t^ y^e^ nexte yeare, of ſuch ſpecialtyes ſoe taken as aforſaid, ſhall have power to diſtrayne of the Goods or bodyes of ſuch debtors.

Upon the Interceſſion of the houſe of Commons. The Governor and Councell doe thinke fitt to mitigate the height of puniſhment w^ch^ might bee iuſtly inflicted upon all Offendors, in the Petičoners Condition: *It is therefore thought fitt & accordingly ordered by this Grand Aſſembly.* That *Chriſtopher Burroughs* ſhall make a publique acknowledgmt of his offence, upon his Knees, before this grand Aſſembly. And likewyſe in the two pariſh Churches, in the County of Lower *Norfolk*, in the tyme of divine ſervice: And at the County Court. And bee diſabled forbearing any publique office, eyther in Church or Commonwealth, for ſeaven yeares after yett to come: And put in ſecurity for his good behaviour at the ſaid County Court.

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[From the *Virginia* Magazine of Hiſtory and Biography, XXIII, 244-247.]

[By the Governor, Counſell, & Burgeſſes of the Grand Aſſembly in *Virginia*, *Aprill* the 5th 1647.]

WHEREAS many & moſt abſolute neceſſities have given Cauſe to ſeverall late grand Aſſemblyes to eſtabliſh ſundry ſolemne Acts & publiſh declarations thereupon to invite & encourage the *Dutch* nation to a Trade & Commerce with the Inhabitants of the Collony, wch now for ſome few yeares they have Inioyed with ſuch Content, Comfort & releiſe that they eſteeme the continuance thereof, of noe leſſe conſequence then as a relative to theire being & ſubſiſtence.

Now for as much as rumours & reports are rayſed and ſpread abroad, that by a late ordenance of the Parliament of *England*, all ſtrangers are pʳhibited trade wth any of the *Engliſh* plantacons, wch wee conceive to bee the invention of ſome *Engliſh* Merchants on purpoſe to affright & expell the *Dutch*, and make way for themſelves to Monopolize not onely our labours and fortunes, but even our ℔ſons, wch wee may with ſoe much ſence of ſmart deliver, in that with the cofidence of truth wee may averre, that the Monopolize, contracts & of pʳiects of our commodity deſigned upon & againſt us by the *Engliſh* Merchants for falſe ends, & to our ruine have coſt us more in charges of Aſſemblyes, then would have ſufficiently fortified the Country with the advantage of many a pʳfitable nurſurye for Manufactures:

In wch report wee have Cauſe to feare the hand that hath allready bin ſoe heavy upon us & with Charity enough to doubt a practiſe from thoſe whoſe heads have been over buſily & reſtleſly imployed to gaine theire ends upon us:

ffor wee may not ℔ſume on ſuch a thought that the moſt honoble houſes of Parliament would conclude us in a Caſe of right & priviledge granted unto us by ancient Chartr. (*Vidzt*) that it ſhould be lawfull for the Planters to entertaine trade with any nation or people in amitye with his Matie eſpecially without hearing of the pʳties principally intereſted, wch infringeth noe leſſe the libertye of the Collony & a right of deare eſteeme to free borne ℔ſons: (*Vidzt*) that noe lawe ſhould bee eſtabliſhed within the kingdome of *England* concerninge us without the conſent of a grand Aſſembly here.

Or in Caſe the moſt honble houſes have bin abuſed & by the wylie & ſpetious ℔tences of Merchants, or Seamen trading to the Collony bin circumvented to the paſſing of ſuch an Ordinance, wee are aſſured the Juſtnes of our Cauſe will finde admittance & vindication from yt honoble Counſell: The rights, immunities & priviledges of our Charter by as due a Clayme belongeinge to us, as is the wages of an hirelinge that hath laboured for it, for they only gave us Invitacon & were the Condiconall reward & guerdon pʳpounded for our Undertakeings in thoſe rugged paths of Plantacon.

But haveing neyther received pʳhibition or Intimacon concerning the ſayd trade, wee can interprett noeother thing from the report, then a forgerye of avaritious ℔ſons, whoſe fickle hath bin ever long in our harveſt allreadye.

Howſoever if the Act were illegall (though on the contrary wee are warranted by right & therefore by lawe) wee muſt like Creatures even of ſence pʳvide for our owne ſafeties & ſubſiſtance.

In Order whereupon, wee doe againe invite the *Dutch* Nation, & againe publiſh & declare all ffreedome & libertie to them to trade within the Collony. And doe oblige ourſelves & the whole Collony to defend them with our uttermoſt power & abilitye, in the peaceable fruition thereof eyther by reparacon from the eſtates of thoſe who ſhall offer them any violence or cauſe them any diſturbance or otherwiſe; & ſhall pʳceede gainſt them as Oppugners of our undoubted rights & priviledges.

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[From the *Virginia* Magazine of Hiſtory and Biography, I, 75 ff.]

[Speech of Sir *Wm. Berkeley*, and Declaration of the Aſſembly, *March* 1651 (1650/51)].

GENTLEMEN you perceave by the Declaration that the men of *Weſtminſter* have ſet out, which I beleeve you have all ſeene, how they meane to deale with you hereafter, who in the time of their wooing and courting you propound ſuch hard Conditions to be performed on your parts, & on their owne nothing but a benigne acceptance of your duties to them.

Indeed me thinks they might have propoſed ſomething to us which might have ſtrengthned us to beare thoſe heavy chaines they are making ready for us, though it were but an aſſurance that we ſhall eat the bread for which our owne Oxen plow, and with our owne ſweat we reape; but this aſſurance (it ſeemes) were a franchiſe beyond the Condition they have reſolu'd on the Queſtion we ought to be in: For the reaſon why they talke ſo Magiſterially to us in this, we are forſooth their worſhips ſlaves, bought with their money and by conſequence ought not to buy, or ſell but with thoſe they ſhall Authorize with a few trifles to Coſzen us of all for which we toile and labour.

If the whole Current of their reaſoning were not as ridiculous, as their actions have been Tyrannicall and bloudy; we might wonder with what browes they could ſuſtaine ſuch impertinent aſſertions: For if you looke into it, the ſtrength of their argument runs onely thus: we have laid violent hands on your Land-Lord, poſſeſs'd his Manner houſe where you uſed to pay your rents, therfore now tender your reſpects to the ſame houſe you once reverenced: I call my conſcience to witnes, I lie not, I cannot in all their Declaration perceave a ſtronger argument for what they would impoſe on us, then this which I have now told you: They talke indeed of money laid out on this Country in its infancy: I will not ſay how little, nor how Centuply repaid, but will onely aske, was it theirs? They who in the beginning of this warr were ſo poore, & indigent, that the wealth and rapines of three Kingdomes & their Churches too, cannot yet make rich, but are faine to ſeeke out new Territories and impoſitions to ſuſtaine their Luxury amongſt themſelves. Surely *Gentlemen* we are more ſlaves by nature, then their power can make us if we ſuffer our ſelves to be ſhaken with theſe paper bulletts, & thoſe on my life are the heavieſt they either can or will ſend us.

'Tis true with us they have long threatned the *Barbados*, yet not a ſhip goes thither but to beg trade, nor will they do to us, if we dare Honourably refiſt their Imperious Ordinance. Aſſuredly *Gentlemen* you have heard under what heavy burthens, the afflicted *Engliſh* Nation now groanes, and calls to heaven for relief: how new and formerly unheard of impoſitions make the wifes pray for barrenes and their huſbands deafnes to exclude the cryes of their ſuccourles, ſtarving children: And I am confident you do believe, none would long endure this ſlavery, if the ſword at their throats Did not Compell them to Languiſh under the miſery they howrely ſuffer. Looke on their ſufferings with the eyes of underſtanding, and that will prevent all your teares but thoſe of Compaſſion. Conſider with what priſons and Axes they have paid thoſe that have ſerved them to the hazard of their ſoules: Conſider your ſelves how happy you are and have been, how the Gates of wealth and Honour are ſhut on no man, and that there is not here an Arbitrary hand that dares to touch the ſubſtance of either poore or rich: But that which I woud have you chiefly conſider with thankfullnes is: That God hath ſeperated you from the guilt of the crying bloud of our Pious Souveraigne of ever bleſſed memory: But

But miſtake not *Gentlemen* part of it will yet ſtaine your garments if you willingly ſubmit to thoſe murtherers hands that ſhed it: I tremble to thinke how the oathes they will impoſe will make thoſe guilty of it, that have long abhor'd the traiteroufneſſe of the act: But I confeſſe having had ſo frequent teſtimonies of your truths and courages, I cannot have a reaſonable ſuſpition of any cowardly falling of from the former reſolutions, and have onely mentioned this laſt, as a part of my duty and care of you, not of my reall doubts and fears: or if with untryed men we were to argue on this ſubject, what is it can be hoped for in a change, which we have not allready? Is it liberty? The ſun looks not on a people more free then we are from all oppreſſion. Is it wealth? Hundreds of examples ſhew us that Induſtry & Thrift in a ſhort time may bring us to as high a degree of it, as the Country and our Conditions are yet capable of: Is it ſecurety to enjoy this wealth when gotten? With out bluſhing I will ſpeake it, I am confident theare lives not that perſon can accuſe me of attempting the leaſt act againſt any mans property? Is it peace? The Indians, God be bleſſed round about us are ſubdued; we can onely feare the *Londoners*, who would ſaine bring us to the ſame poverty, wherein the *Dutch* ſound and relieved us; would take away the liberty of our conſciences, and tongues, and our right of giving and ſelling our goods to whom we pleaſe. But *Gentlemen* by the Grace of God we will not ſo tamely part with our King, and all theſe bleſſings we enjoy under him; and if they oppoſe us, do but follow me, I will either lead you to victory, or looſe a life which I cannot more glorioufly ſacrifice then for my loyalty, and your ſecurity.

Vera Copia John Corker
Cler: Dom: Commons.

This ſpeech being ended the pretended Act of Parliament was publiquely read in the Aſſembly where upon (at the motion of the Houſe of Commons to the Governour and Councell) this following vindication was unanimouſly agreed on.

We The Governour Councell and Burgeſſes of *Virginea*, have ſeene a printed paper bearing date at *London* the 3. of *Octob.* 1651. wherein (with other Plantations of *America*) we are prohibited trade and Commerce with all but ſuch as the preſent power ſhall allow of: We likewiſe ſee our ſelves branded in it with the ignominious names of Rebells and Traitors, which we ſo much abhor, that we would deteſt our ſelves if we thought they were deſervedly impoſed on us: And ſhall take leave to thinke we are unworthily ſlandered, till ſtronger prooſes then we yet find, are brought againſt us to convince our judgements and Conſciences that we are guilty of thoſe Horrid Crimes. Therfore though we profeſſe that our judgments and induſtry, have been long ſolely and neceſſarily imployed in providing againſt the neceſſities of our poore families, and by Conſequence ſhould not preſume that any Act or Tranſaction of ours could be worthy the publique view: Yet ſince the plaineſt vindication of innocencie is accepted, we ſhall intimate the reaſons of ours, imploring charitable and abler judgments to perfect what we ſhall hint to them in our anſweares, to the Aſperſions we find Authoriſed againſt us.

And *Firſt* whereas they ſay, That the Plantations in *America* were ſeated at the Coſt and eſtabliſhed by the Authority of ſome in *England*, and therfore ought to be governed by the Lawes of *England*.

We conceave we may ſafely confeſſe all this, and yet not run the Hazard of any miſpriſion of guilt, nay we thinke, this only teſtimony of theirs were ſufficient to cleere us from the Aſperſions of Rebells, and Traitors, if we had no other markes of innocency left us: For we ſay, we were ſome of us ſent, others permitted to come hither by the gratious favour of our Pious Kings, ſworne to governe, and be governed (as farr as poſſible the place was Capable of) by the Lawes of *England;* which lawes we have inviolably and ſacredly kept as farr as our abilityes to execute and our Capacityes to judge would permit us, and with reaſon; for theſe lawes onely in ſuch times of tumults, ſtormes, and tempeſts, can humanely prevent our ruines: Theſe lawes often enjoyned us the Oathes

Oathes of Allegiance and Supremacy, and they tell us, that no power on earth can abſolve or manumit us from our obedience to our Prince, and his lawfull ſucceſſors: Theſe lawes tell us that when we have don all we can to avoyd it, we may reſiſt violence with force, and in a lawfull defence of our ſelves, deſtroy any that ſhall endeavour to take away our lives or ſubſtance: Theſe lawes we profeſſe are our guides and do beleeve we deſerve puniſhment and infamy if we willingly, or willfully deviate from them.

Secondly ſuppoſe we were ſuch ſlaves by nature as to be awed with the iron rods held over us, in what hand ſoever found; would not then themſelves thinke we deſerved the worſt uſage could be inflicted on us. For what aſſurance could we give of our new Loyalty, after having ſo childiſhly, and impiouſly, relinquiſht our old Allegance? Could we reaſonably repine to pay with our owne ſweat and bloud, thoſe Garriſons which muſt be kept among us, to fix ſuch volatile obedience as ours would appeare to be? For as the Queſtion is ſtated to us, we ought to yield to whoſoever poſſeſſe themſelves of *Weſtminſter* Hall: Where we experimentally have found, the heads of divers factions and pretentions, have preſided and excluded one the other; and we have no Oraculous aſſurance, but it may be ſo againe; therfore in a Condition ſo dubious and uncertaine, as ours would be (wherein no leſſe then our ſoules are concern'd) we deſire them to permit us ſimple men to take leave to follow the perſpicuous and plaine pathes of God and our lawes, & that they would be pleas'd to remember that good charitable Axiome in them, That none ſhould be condemned till they were firſt Heard.

Thirdly we are told of Great ſummes of money laid out on this Country: For all we have receav'd we are moſt thankfull: But ſurely it will be no evidence of ingratitude to ſay to whom we owe moſt, & this muſt needes be acknowledg'd to our Kings, who gave liberally themſelves and permitted Lotteries to be erected for us: We confeſſe private adventurers added much, and might have enjoyed the fruit of it, If the firſt blow to the Colony, had not taken from them all hopes or deſires of proſecuting that, which they ſo earneſtly begun; But certainly what ever their liberallity was, we ſhould have avoided it more then our Rattle ſnakes, if it had inevitably made ſlaves, our ſelves, our wives, children, and Poſterity. Since the Maſſacre onely private Marchants have adventured hither for private gaines, and we confeſſe have ſupplied us with that, which we could not well have wanted, but this we ſuppoſe would be no convincing argument to *France*, *Spaine*, or the *Low Countries*, for their ſubjection to *England* becauſe theſe ſeverall places have been thus furniſh't by her. If then we owe any thing, it is to our Kings liberallity, care, and protection, and we beſeech you give us leave to pay our acknowledgement to them.

Fourthly we are told of uſurping a Government to our ſelves. We wiſh we could tranſmit our recordes to the view of our accuſers; By them it would appeare how little we deſerve this imputation. For ſince the beginning of the Colony we have never innovated nor altred any thing in the maine of the Government: But in caſe we had done it, what more likely Patrons could we chuſe, to protect us then thoſe who accuſe us? Grant we had baniſh'd, confin'd, impriſon'd, condemn'd, and executed thoſe that refuſe to obey the lawes confirm'd by many conſummated free Parliaments: would not thoſe pardon and abſolve us who have done the ſame to others that have refuſed to obey their edicts, whom they in their conſciences beleeve they ought not to acknowledge to be a Parliament? Yet the truth is, we have done none of theſe things, no man here ever ſuffer'd in his perſon or eſtate: Concerning the differences in *England*, our lawes keepe them in better awe then to dare to ſpeak againſt the Protector of them: 'Tis true indeed Two Factious clergy men, choſe rather to leave the Country then to take the Oathes of Allegeance, and Supremacy, and we acknowledge that we gladly parted with them.

Having anſweared theſe accuſations, we appeale even to their owne judgments that produced them whether we deſerve thoſe hatefull names of Rebells and Traitors: But we believe they will ſtill uſe them to us and others becauſe thoſe Lucky Bugbeares of Rebells, and Malignants, have frighted divers to the deſertion of honeſt cauſes: Yet being

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being (as we ſuppoſe in their owne conſciences) free from theſe imputed crimes, (though very ſhort ſighted in ſuch ſubtile matters) we thinke we can eaſely find out the cauſe of this excluding us the ſociety of Nations, which bring us neceſſaries for what our Country produces: And that is the Avarice of a few intereſted perſons, who endeavour to rob us of all we ſweat and labour for: Therfore on the whole matter we Conclude: We are reſolv'd to Continue our Allegeance to our moſt Gratious King, yet as long as his gratious favour permits us, we will peaceably (as formerly) trade with the *Londoners*, and all other Nations in amity with our Soveraigne: Protect all forraigne Merchants with our utmoſe force from injury in the rivers: Give letters of Repriſall to any injured within our Capes: Allwaies pray for the happy reſtauration of our King, and repentance in them, who to the hazard of their ſoules have oppoſed him.

This is unammouſly conſented to by the Governor, Councell and Burgeſſes

Teſte

Ro: Huberd Cl: Cons:

Johan Corker Cl: Dom: Com:

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[From *Hening's* Statutes at Large, I, 363-368.]

ARTICLES.

AT THE SURRENDER OF THE COUNTRIE.

[*March* 12, 1651/52.]

ARTICLES agreed on and concluded at *James Cittie* in *Virginia* for the ſurrendering and ſettling of that plantation vnder the obedience and government of the Common Wealth of *England*, by the commiſſioners of the Councill of State, by authoritie of the Parliament of *England* and by the Grand Aſſembly of the Governour, Councill and Burgeſſes of that countrey.

Firſt, It is agreed and cons'ted that the plantation of *Virginia*, and all the inhabitants thereof, ſhall be and remaine in due obedience and ſubjection to the common wealth of *England*, according to the lawes there eſtabliſhed, And that this ſubmiſſion and ſubſcription bee acknowledged a voluntary act not forced nor conſtrained by a conqueſt vpon the countrey, And that they ſhall have and enjoy ſuch freedomes and priviledges as belong to the free borne people of *England*, and that the former government by the comiſſions and inſtructions be void and null.

2dly. Secondly, that the Grand Aſſembly as formerly ſhall convene and tranſact the affairs of *Virginia*, wherein nothing is to be acted or done contrarie to the government of the common wealth of *England* and the lawes there eſtabliſhed.

3dly. That there ſhall be a full and totall remiſſion and indempnitie of all acts, words or writeings done or ſpoken againſt the parliament of *England* in relation to the ſame.

4thly. That *Virginia* ſhall have and enjoy the antient bounds and lymitts granted by the charters of the former Kings, And that we ſhall ſeek a new charter from the parliament to that purpoſe againſt any that have intrencht vpon the rights thereof.

5thly. That all the pattents of land granted vnder the collony ſeale, by any of the precedent Governours ſhall be and remaine in their full force and ſtrength.

6thly. That the priviledge of haveing fiftie acres of land for every perſon transported in the collony ſhall continue as formerly granted.

7thly. That the people of *Virginia* have free trade as the people of *England* do enjoy to all places and with all nations according to the lawes of that common wealth, And that *Virginia* ſhall enjoy all priviledges equall with any *Engliſh* plantations in *America*.

8thly. That *Virginia* ſhall be free from all taxes, cuſtomes and impoſitions whatſoever, and none to be impoſed on them without conſent of the Grand Aſſembly, And ſoe that neither fforts nor caſtles bee erected or garriſons maintained without their conſent.

9thly. That noe charge ſhall be required from this country in reſpect of this preſent ffleet.

10thly. That for the future ſettlement of the countrey in their due obedience, the engagement ſhall be tendred to all the inhabitants according to act of parliament made to that purpoſe, that all perſons who ſhall refuſe to ſubſcribe the ſaid engagement, ſhall have a yeares time if they pleaſe to remove themſelves, and their eſtates out of *Virginia*, and in the meantime during the ſaid yeare to have equall juſtice as formerly.

11thly. That the vſe of the booke of common prayer ſhall be permitted for one yeare enſueinge with referrence to the conſent of the major part of the pariſhes, Provided that thoſe things which relate to kingſhipp or that government be not vſed puliquely; and the continuance

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continuance of miniſters in their places, they not miſdemeaning themſelves: And the payment of their accuſtomed dues and agreements made with them reſpectively ſhall be left as they now ſtand dureing this enſueing yeare.

12thly. That no man's cattell ſhall be queſtioned as the companies vnles ſuch as have been entruſted with them or have diſpoſed of them without order.

13thly. That all amunition, powder and arms, other then for private vſe ſhall be delivered vp, ſecuritie being given to make ſatisfaction for it.

14thly. That all goods allreadie brought hither by the *Dutch* or others which are now on ſhoar ſhall be free from ſurprizall.

15thly. That the quittrents granted vnto vs by the late Kinge for ſeaven yeares bee confirmed.

16thly. That the comiſſioners for the parliament ſubſcribing theſe articles engage themſelves and the honour of the parliament for the full performance thereof: And that the preſent Governour and the Councill and the Burgeſſes do likewiſe ſubſcribe and engage the whole collony on their parts.

Rich: Bennett, Seale.
Wm. Claiborne, Seale.
Edmond Curtis, Seale.

Theiſe articles were ſigned and ſealed by the commiſſioners of the Councill of State for the Common Wealth of *England*, the twelveth day of *March*, 1651.

Articles for the ſurrendring *Virginia* to the ſubjection of the Parliament of the Common wealth of *England*, agreed vppon by the honourable the Comiſſioners for the Parliament and the hon'ble the Governour and Councill of State.

Firſt, That neither Governour nor councill ſhall be obliged to take any oath or engagement to the Common-Wealth of *England* for one whole yeare And that neither Governour nor Councill be cenſured for praying for or ſpeaking well of the King for one whole yeare in their private houſes or neighbouring conference.

2dly. That there be one ſent home at the preſent Governour's choice to give an accompt to his Ma'tie of the ſurrender of his countrey, the preſent Governour bearing his charges, that is S^r^ *William Berkeley.*

3dly. That the preſent Governour, that is S^r^ *William Berkeley* and the Councill ſhall have leave to ſell and diſpoſe of their eſtates, and to tranſporte themſelves whether they pleaſe.

4thly. That the Governour and Councill though they take not the engagement for one whole yeare ſhall yet have equall and free juſtice in all courts of *Virginia* vntill the expiration of one whole yeare.

5thly. That all the Governour's and Councill's land and houſes, and whatſoever belongeth to them bee perticularly ſecured and provided for in theſe articles.

6thly. That all debts of the Governour's by act of aſſembly, and all debts due to officers made by the Aſſembly bee perfectly made good to them, And that the Governour be paid out of the goods remaining in the countrey of the *Dutch* ſhip that went away cleer for *Holland* without paying his cuſtoms.

7thly. That the Governour may have free leave to hire a ſhipp for *England* or *Holland* to carrie away the Governour's goods, and the Councill's, and what he or they have to tranſporte for *Holland* or *England* without any lett * * * or any moleſtation of any of the State's ſhipps att ſea or in their rivers or elſewhere by any of the ſhipps in the common wealth of *England* whatſoever.

8thly. That the Capt of the fforte be allowed ſatisfaction for the building of his houſe in fforte iſland.

9thly. That all perſons that are now in this collonie of what quality or condition ſoever that have ſerved the King here or in *England* ſhall be free from all dangers, puniſhment or mulkt whatſoever, here or elſewhere, and this art'e. as all other articles bee in as cleer termes as the learned in the law of arms can expreſs.

10thly.

10thly. That the ſame inſtant that the comiſſions are reſigned an act of indempnitie and oblivion be iſſued out vnder the hands and ſeales of the commiſſioners for the parliament, And that noe perſons in any courte of juſtice in *Virginia* be queſtioned for their opinions given in any cauſes determined by them.

11thly. That the Governour and Councill ſhall have their paſſes to go away from hence in anie ſhipps in any time within a year: And in caſe they goe for *London* or other place in *England* that they or anie of them ſhall bee free from anie trouble or hindrance of arreſts or ſuch like in *England*, and that they may follow their occaſions for the ſpace of ſix monthes after their arrivall.

Rich: Bennett, Seale.
Wm. Claiborne, Seale.
Edmond Curtis, Seale.

Theiſe articles were ſigned, ſealed, ſworne vnto by vs the commiſſioners for the parliament of the common wealth of *England*, the 12th day of *March*, 1651.

An Act of Indempnitie made at the Surrender of the Countrey.

WHEREAS by the authoritie of the parliament of *England*, wee the comiſſioners appointed by the Councill of State authorized thereto having brought a fleete and force before *James Cittie* in *Virginia* to reduce that collonie vnder the obedience of the commonwealth of *England*, and finding force raiſed by the Governour and countrey to make oppoſition againſt the ſaid ffleet, whereby aſſured danger appearinge of the ruine and deſtruction of the plantation, for prevention whereof the Burgeſſes of all the ſeverall plantations being called to adviſe and aſſiſt therein, vppon long and ſerious debate, and in ſad contemplation of the greate miſeries and certaine deſtruction, which were ſoe neerly hovering over this whole countrey; Wee the ſaid comiſſioners have thought fitt and condeſcended and granted to ſigne and confirme vnder our hands, ſeales and by our oath, Articles bearinge date with theiſe preſents, And do further declare, That by the authoritie of the parliament and common wealth of *England* derived vnto vs theire commiſſioners, That according to the articles in gennerall, Wee have granted an act of indempnitie and oblivion to all the inhabitants of this colloney, from all words, actions or writings that have been ſpoken, acted or writt againſt the parliament or commonwealth of *England* or any other perſon from the beginning of the world to this daye, And this we have done, That all the inhabitants of the collonie may live quietly and ſecurely vnder the comon-wealth of *England*, And wee do promiſe that the parliament and common-wealth of *England* ſhall confirme and make good all thoſe tranſactions of ours, Witnes our hands and ſeales this 12th day of *March*, 1651.

Richard Bennett, Seale.
Wm. Claiborne, Seale.
Edm. Curtis, Seale.

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[From *Hening's* Statutes at Large, I, 371-373.]

[Some of the Proceedings of the Grand Aſſembly, *April-May*, 1652.]

The oath adminiſtred to the Burgeſſes:

YOU and every of you ſhall ſwear vpon the holy Evangeliſt, and in the ſight of God to deliver your opinions faithfully and honeſtly, according to your beſt vnderſtanding and conſcience, for the generall good and proſperitie of this country and every perticular member thereof, and to do your vtmoſt endeavor to proſecute that without mingling with it any particular intereſt of any perſon or perſons whatſoever.

John Corker, Cl. Dom. Com.

James Citty, the 30th *Aprill*, 1652.

AFTER long and ſerious debate and advice taken for the ſettleing and governing of *Virginia*, It was vnanimouſly voted and concluded, by the commiſſioners appointed here by authority of parliament and by all the Burgeſſes of the ſeverall countys and plantations reſpectively, vntill the further pleaſures of the ſtates be knowne: That M^r^ *Richard Bennett*, Eſq. be Governour for this enſuinge yeare, or vntill the next meeting of the Aſſembly, with all the juſt powers and authorities that may belong to that place lawfully: And likewiſe that Collo. *William Claiborne* be Secretarie of State, with all belonging to that office, and is to be next in place to the Governour, next that the Councill of State be as followeth, (*viz.*) Capt. *John Weſt*, Col. *Sam. Mathewes*, Coll. *Nathaniel Littleton*, Coll. *Argoll Yearly*, Coll. *Tho. Pettus*, Coll. *Humph. Higgiſon*, Coll. *George Ludlow;* Coll. *Wm. Barnett*, Capt. *Bridges ffreeman*, Capt. *Tho. Harwood*, Major *Wm. Taylor*, Capt. *ffrancis Epps*, and Leiv'tt. Coll. *John Cheesman*, and they ſhall have power to execute and do right and equall juſtice to all the people and inhabitants of this collony according to ſuch inſtructions as they have or ſhall receive from the Parliament of *England* and according to the knowne lawe of *England;* And the acts of Aſſembly here eſtabliſhed; And the ſaid Governour, Secretary and Council of State are to have ſuch power and authorities and to act from time to time, as by the Grand Aſſembly ſhall be appointed and granted to their ſeverall places reſpectively for the time aboveſaid: of which all the people which inhabit or be in this country are hereby required to take notice and accordingly conforme themſelves therevnto. God ſave the Common-Wealth of *England* and this countrey of *Virginia*.

May 2d, 1652.

IT IS reſolved That the commiſſioners of the ſeverall counties be choſen by the Houſe with this proviſo, That if any juſt complaint be proved againſt any choſen they ſhall be ſuſpended the next ſeſſion of Aſſembly.

May 5th, 1652.

IT IS agreed and thought beſt for the government of this country by the Governor, Council and Burgeſſes that the right of election of all officers of this colony be and appertain to the Burgeſſes the repreſentive of the people, and it is further agreed for the preſent by the Burgeſſes in remonſtrance of the confidence that they have in the ſaid comm'rs. that the preſent election of all officers not already conſtituted be referred to the ſaid Governor and commiſſioners and that this their election be not precidental to any ſucceeding Aſſembly.

May

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May 6th, 1652.

WHETHER the Governour and Council ſhall be members of this Aſſembly or no: Generally voted they ſhall be, taking the oath the Burgeſſes take.

[From the *Virginia* Magazine of Hiſtory and Biography, VIII, 386, 387.]

THE humble petition of *John Carter* Sheweth That whereas y^r^ petitioner hath been hindred from the ſeating of a divident of Land in *Rappahannock* River (even untill the pattent is almoſt void for not ſeating it.) By an order Extra-judically granted ag^t^ y^r^ Petitioner: And whereas y^r^ petitioner through great loſſe by fire is alſo now diſabled to ſeate the ſaid land ſo ſuddenly as the firſt of *September*, at which time the pattent is void, the land not being ſeated, & the Indians alſo being difficultly removed in ſoe ſhort a ſpace. Yo'r petitioner therefore humbly deſireth that the ſaid pattent be not void for not ſeating the ſaid Land untill two years after *Chriſmas* next, in which time the Indians may remove. Yo'r petitioner paying unto them as great ſatisfaction as they received of others for ſuch a proportion of land. And ſo ſhall yor. Petitioner pray.

This petition is granted—*May* ye 6, 1652.

Jno. Corker, Cl. Dom. Com.

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[From *Hening's* Statutes at Large, I, 374-377.]

[Reſolutions of the Grand Aſſembly beginning the 25th of *November*, 1652.]

THE voats of the whole Aſſembly in the buſineſs follow:

It is ordered by the authoritie aforeſaid, That the ſouth ſide of *Ocquhanocke* Creeke in the county of *Northampton* and ſo vpwards be a peculiar pariſh and called by the name of *Ocquhanocke* Pariſh.

It is ordered that M^r^ *George Fletcher* ſhall have to himſelf, his heirs, ex'rs. and adm'rs. liberty to diſtill and brew in wooden veſſels which none have experience in but himſelf for 14 years, and it is further ordered that no perſon or perſons whatſoever ſhall make vſe thereof within this collony without agreeing with the ſaid M^r^ *Fletcher* under the penalty of 100 pounds *ſterl.*

Wee find M^r^ *John Hammod* returned a Burgeſſe for the lower pariſh of the *Iſle* of *Wight*, to be notoriouſly knowne a ſcandalous perſon, and a frequent diſturber of the peace of the country, by libell and other illegall practices, and conceive it fitt he be expelled the houſe, and that a warrant iſſue to the ſherriffe of the ſaid county, for the election of another Burgeſſe in his roome.

Wee conceive it fitt, that M^r^ *James Pyland*, returned Burgeſſe for the vpper pariſh of the *Iſle* of *Wight*, be remooved out of the houſe, And that he ſtand committed to anſwer ſuch things as ſhall be objected againſt him, as an abettor of M^r^ *Thomas Woodward* in his mutinous and rebellious declaration, And concerning his the ſaid M^r^ *Pyland* blaſphemous catechiſme.

It is ordered by the Grand Aſſembly, that the plantation of M^r^ *Thomas Stagg* ſcituate on the *Old man's* Creek ſhall be within the bounds of *Weſtover* pariſh and pay all duties there that are now due and *de futuro.*

Whereas *Chr: Boyſe* by appeale from the Governour and Councill the laſt court impleaded Coll. *Hugh Gwinne* before this Grand Aſſembly about certain land in *Pyancatannk* River, The Aſſembly vpon pervſall of their ſeverall pattents and grants, doe finde prioritie of title for the ſaid *Gwinne*, according to former orders in the government of S^r^ *William Berkeley*, Knt. and the laſt quarter court, And the plt. & defendant to beare theire owne charges.

In the difference between M^r^ *Peter Ranſon*, plt. and *John Hewett* and *Wm. Holder*, defend'ts. *It is ordered by this Grand Aſſembly* that M^r^ *Peter Ranſon's* pattent ſhall ſtand good for 1100 acres of land in *Mock-Jack* bay, And that *Hewett* and *Holder* be outed and decline the poſſeſſion till it be made appeare void by ſome that ſhall make better right appeare, It now appearing that none pretending to it in the right of *Dawber* have power to queſtion his title; 100 lb. of tob'o. being allowed him for coſts from each of them (*viſt.*) 100 lb. of tobacco from *Holder*, and 100 lb. of tobacco from *Hewett*, *alias* execution.

It is ordered by the Grand Aſſembly, that M^r^ *Peter Ranſon* ſhall have and enjoy 1100 acres of Land in *Mock-Jacks* bay of the *North* River of *Mock-Jacks* bay on the eaſterne ſide thereof, and the other 500 acres being granted to M^r^ *Wm. Whitby* being the firſt grantees by this Aſſembly.

It is ordered by the Aſſembly that all thoſe that are in actual poſſeſſion of the 2400 acres of the land claymed by *Edmund Dawber* ſhall not be diſpoſſeſt of the land they ſo hold by any, except by the ſaid *Dawber* if he proove his title to bee juſteſt the ſaid 2400 acres being granted to M^r^ *William Daymes*, if M^r^ *Dawber* enjoy it not.

It

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It is ordered by the Aſſembly, That the inhabitants of *Appamattock* River ſhall have power to keep courts according to the ſence of the Act of Aſſembly for courts in the like nature, to hear and determine all differences within the ſaid pariſh, which ſaid court is to be kept by the commiſſioners reſideing in the ſaid pariſh of *Briſtoll*, and they to take place reſpectively as by act of Aſſembly they are nominated; appeals lying from this court to either *Henrico* county or *Charles Citty* county court, as alſo to have power to treate with the Indians according to act.

It is ordered with the vnanimous opinion of this houſe, That the Governour and councill ſhall appoint commiſſioners in each county reſpectively vpon the recommendation of the perſons from the commiſſioners of the ſeverall county courts, as they ſee cauſe to allow ſuch recommendations.

It is ordered by the Grand Aſſembly, That the comiſſioners of the ſeverall counties reſpectively have power to examine the liſts of the tythables of the ſaid countyes, and where they find them not to be fully taken, to lay a fine vpon the ſheriff or them that took the liſts, as they ſhall think fitt, and ſuch further puniſhment as by the Aſſembly is provided.

Whereas an act was made in the Aſſembly, 1642, ffor Encouragement of diſcoveries to the weſtward and ſouthward of this country, granting them all profitts ariſing thereby for 14 years, which act is ſince diſcontinued and made void; *It is by this Aſſembly ordered*, That Coll. *Wm. Clayborne*, Eſq. & Capt. *Henry Fleet*, they and their aſſociats with them either joyntly or ſeverally, May diſcover and ſhall enjoy ſuch benefitts, profitts, and trades, for 14 years as they ſhall find out in places where no *Engliſh* ever have bin and diſcovered, nor have had perticular trade, and to take vp ſuch lands by pattents proveing their rights as they ſhall think good: Nevertheleſs not excluding others after their choice from takeing vp lands, and planting in theſe new diſcovered places, as in *Virginia* is now vſed.

The like order is granted to Major *Abra. Wood* and his aſſociates.

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[From *Hening's* Statutes at Large, I, 377, 378.]

[Some of the Proceedings of the 1653 ſeſſion.]

Gentlemen,

NOT to intrench vpon the right of Aſſemblies in the free choice of a ſpeaker, nor to vndervalue Lefft. Coll. *Chiles*, but onely by way of advice, It is my opinion, the Council likewiſe concerning [concurring] therein, That it is not ſo proper nor ſo convenient att this time to make choice of him for that there is ſomething to be agitated in this Aſſembly concerning a ſhipp lately arrived, in which Left. Coll. *Chiles* hath ſome intereſt, for which and ſome other reaſons we conceive it better at preſent to make choice of ſome other perſon amongſt you whom you ſhall agree vpon.

Your reall ſervant
Rich. Bennett.

July the 5th, 1653.

Vera copia,
John Corker, Cl. to the Burgeſſes.

The oath adminiſtred to the Burgeſſes for this preſent Aſſembly.

You ſhall ſwear to act as a Burgeſſe for the place you ſerve for in this Aſſembly, with the beſt of your judgment and advice, for the generall good, not mingling with it any particular or private intereſt.

This oath was taken by the Burgeſſes in the preſence of Coll. *Thomas Pettus* and Coll. *Humphrey Higgiſon*, this 5th *July*, 1653.

Teſte
Robert Huberd, Cl. Conſilii.

It is ordered, that Lev'tt. Coll. *Edward Major*, Lev't. Coll. *Geo. ffletcher*, M^r^ *William Hockaday* and M^r^ *William Whittby*, attend the Governor and Councill, to requeſt of them their reaſons, wherefore they cannot joyne with vs the Burgeſſes in the buſines of this Aſſembly, about the election of Lev't. Coll *Walter Chiles* for Speaker of this Aſſembly.

Lef't. Coll. *Walter Chiles* haveing by plurality of votes been choſen Speaker of this Aſſembly: And this day repreſenting to the houſe his extraordinarie occaſions in regard of the diſpatch of ſome ſhipping now in the country in which he is much intereſted and concerned, The houſe vpon his deſire have given him leave to follow his private affairs notwithſtanding the election aforeſaid.

It is ordered by this preſent Grand Aſſembly, That M^r^ *Robert Bracewell*, Clarke, be ſuſpended, and is not in a capacitie of ſerving as a Burgeſſe, ſince it is vnpreſidentiall, and may produce bad conſequence.

[From the *Virginia* Magazine of Hiſtory and Biography, XVII, 121-127.]

A CHARGE * * * againſt Captain *Abraham Read* [words illegible]. Since his laſt Arrival in *Virginia* hath behaved himſelf Contemptuouſly to the diſturbance of the peace of the Governor and Government of this Colony ſettled by Authority of Parliament.

That the ſaid *Read* ſaid that he could and would by his own Commiſſion command Lieut. Coll. *Cornelius Loyd* and not only him but his General meaning the Governor who is ſtiled Captain General of *Virginia*.

That

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That the ſaid *Abraham Read* taxed the Governor that he had done ſo much [words illegible] the *Spaniſh Flemmings* meaning the two Ships lately arrived from *Dunkirk Oſtend* and that he would be called home into *England* and there they would deal well enough with him.

That the ſaid *Abraham Read* contemptuouſly vaunted that if he had been below he would have ſhot too againſt the Ship wherein the Governor was as the other three Ships did and would have ſunk her for wearing the *Spaniſh* Colours in the main top notwithſtanding the Governor's being there or elſe ſhe ſhould have ſunk him.

That the ſaid *Read* falſely and injuriouſly taxed the Government with ſupplying the Utter Enemies of the Commonwealth of *England* and that he could make it Appear with many other Agitations to that purpoſe.

That the ſaid *Read* ſaid that if he had been below he would have diſobeyed the Governor's Warrant as he heard Captain *Pott* had done.

That the ſaid *Read* hath injuriouſly utter'd in Diſcourſe that no forreigners ought to have trade in *Virginia* Which [illegible] is Contrary to Act of Parliament for the Increaſe of Navigation and the Articles granted upon the Surrender of this Colony to the Obedience of the Parliament.

That the ſaid *Read* being told that the Captain & Merchant of the *Dunkirk* Ship had carried their Commiſſions and Cocquets to the Governor Said what have they to do to carry them to the Governor they ſhould have brought them unto us Captain *Gunnell* being then in Company and ſaying the Same.

That Charge and everything therein contained according to the ſeveral Articles is acknowledged by me *Abraham Read* to be true and Juſt. I confeſſing myſelf guilty of them Do humbly refer myſelf to the merciful cenſure of this Aſſembly.

Abraham Read.

This Acknowledgment made in Open Aſſembly this 7th *July*, 1653.

Whereas Captain *Abraham Read* has ſince his laſt arrival in this Colony behaved himſelf very Contemptuouſly to the Diſturbance of the peace of the Government and Governor of this Colony Settled by Authority of Parliament and being brought to anſwer his Charge read unto him having Confeſſed himſelf Guilty in every particular and acknowledged under his hand. *It is therefore Ordered* that the ſaid Captain *Abraham Read* Do forthwith pay as a fine for his Contempt and miſdemeanor ten thouſand pounds of Tobacco and cask and put in good Security for his good Behaviour in this Colony and untill the performance of this Order to ſtand Committed to the Sheriff of *James City* County.

To the Honourable Governor, Council and Burgeſſes Aſſembled, &c. *Abraham Read* humbly preſenteth.

That Whereas the petitioner was impriſoned and fined for ſome Offences, by your Honour and Worſhips which he hath Already Ingenuouſly acknowledged before you & to the perpetrating whereof he was only moved with the Languages of others and not with the leaſt thoughts of Malignity intents in himſelf.

Wherefore having heretofore humbly acknowledged Submitted and deſired Your Honour and Worſhips free. He Yet humbly reimplores your Clear Conſiderations of the great Meekneſs of Humanity how that Paſſion is or Man be Stirred up which your petitioner is now ſorry for and that your honours and Worſhips would alſo be pleaſed to look upon more Clemency the Rigour in regard to the Petitioner and his Wife and Children are now fitter Objects of Pity than Puniſhment and be pleaſed to remit the fine impoſed on the Petitioner.

And he ſhall pray &c.

To the Right Honourable *Richard Bennett* Eſq'r Governor and Captain General with the Honourable Council of State.

The Humble petition of *Edward Gunnel* Preſenteth—

That Whereas your Honours have been informed that Something hath been ſaid and Acted by your humble Petitioner that hath been taken as high Diſobedience to the juſt

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juſt power of this Government and whereas your Honours have been graciouſly pleaſed to afford your petitioner both Means and time to anſwer the ſaid Delinquents he now preſenteth his humble Adreſſes to your Honor's feet, publickly declaring that whatſoever hath been ſaid or Done in Offence to your Honours of the Government here Eſtabliſhed your Petitioner confeſſeth himſelf to be heartily and penitently Sorry for and doth in all humility crave your Honour's Pardon Your Petitioner faithfully promiſing and obliging himſelf never herafter to Abuſe nor Offend any perſon from the higheſt to the loweſt within this Government.

He therefore craveth in your Chriſtian and Gracious Mercies that he may be releaſed from the aforeſaid Charge and he ſhall ever pray &c.

Edw'd Gunnell.

The Depoſition of *Samuel Taylor*, aged 38 Years or thereabouts Examined and Sworn. Saith—

That this Deponent by Warrant Arreſting Captain *Thomas Wilſon* Captain *Hugh Wilſon* and Captain *John Pegro* to anſwer to ſuch Objections as ſhould be asked againſt them before the Governor and Council which power they rejected deriding it with Laughter and Scorn Saying who could fetch them out of their Ships Whereupon this Deponent demanded of the ſaid Parties being Maſters of Ships the Caſtle duties they anſwered they would not pay any for they knew not any that had Power to demand it for they had orders from their owners to the Contrary.

Samuel Taylor.

Juratus in Curia, 10th *July*, 1653.
Teſt: John Corker,
Clerk to the Burgeſſes.

July 12, 1653. By the Unanimous Opinion of the Houſe of Aſſembly. *It is ordered* that *John Baldwin* ſhall have and keep his place.

John Corker,
Clerk to the Burgeſſes.

13, *July*, 1653.

Coll. *Francis Yeardley* this day entered his Caveat of Information againſt *David Cardoon* according to the Act of Coll. *William Clayborn* Eſq'r hath ſhewed Preſident.

Francis Yardley.

[Public Levy, 1653.]

Northampton County—		
500 Tithables at 22 lb. ℔ poll,		11,200
To 100 lb. of Powder at 12 lb.,		1,200
To 245 of Shot at 2,		490
		12,890
To pay to M[r] *Patten*, dance, &c.,	00,368	
To M[r] *John Batt*,	01,000	
To Captain *John Weſt*,	10,000	
To M[r] *John Corker*,	01,043	
To Sallary,	01,379	
	13,790	
Charles City County—		
532 Tithables at 22 ℔ poll,		11,704
To 50 lb. of Powder at 12 lb.,		00,600
To 100 lb. of Shot at 2,		00,200
		12,504
To pay to *Howel Price*, Clerk,	00,876	
To the Honourable Sir *Wm. Berkeley*, Kn't,	10,358	
To Sallary,	01,248	
	12,482	

Elizabeth

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Elizabeth City County—

395 Tithables at 22 ℔ poll,		08,690
To 100 lb. Powder at 12 lb.,		01,200
To 170 lb. of Shot at 2 lb.,		340
		10,230
To pay Sir *Wm. Berkeley*, Knight,	09,207	
To Sallary,	01,023	
	10,230	

Isle of Wight County—

673 Tithables at 22 ℔ poll,		14,806
To 100 lb. of Powder at 12 lb.,		01,200
To 270 lb. of Shott at 2 lb.,		540
		16,546
To pay to Coll. *Sam'l. Mathews*,	14,891	
To Sallary,	01,655	
	16,546	

Glofter County—

367 Tithables at 22 ℔ poll,		08,074
To 100 lb. of Powder at 12 lb.,		01,200
To 200 lb. of Shott at 2 lb.,		00,400
		09,674
To pay Lieut. Coll. *John Walker*, Aſſign of *Chriſtopher Boyce*,	00,200	
To Lieut. Coll. *Sam'l. Mathews*,	08,503	
To Sallary,	00,967	
	09,670	

Surry County—

518 Tithables at 22 lb. ℔ poll,		11,396
To 100 lb. Powder at 12 lb.,		01,200
		12,596
To pay *John Phip & Will Harris*,	09,000	
To M[r] *John Corker*,	02,336	
To Sallary,	01,260	
	12,596	

Northumberland County—

450 at 22 lb. ℔ poll,		09,900
To 100 lb. of Powder at 12 lb.,		01,200
To 150 lb. Shot at 2 lb.,		00,300
		11,400
To pay to Coll. *Sam'l. Mathews* in full for his Sum of 71,280 lb. Tobacco,	03,451	
To *Hopkin Powel*,	00,377	
To *Chriſtopher Boyce*,	03,800	
To Coll. *Wm. Clayborn*,	02,500	
To M[r] *Hope*,	00,132	
To Sallary,	01,110	
	11,370	

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[From *Hening's* Statutes at Large, I, 380-385.]

WHEREAS the paper ſubſcribed by name of the inhabitants of *Northampton* countie is ſcandalous and ſeditious and hath cauſed much diſturbance in the peace and government of that county, *It is therefore ordered* by this preſent Grand Aſſembly, That all the ſubſcribers of the ſaid paper bee diſabled from bearing any office in this countrey, and that Leift. *Edmund Scarbrough* who hath been an aſſiſtant and inſtrument concerning the ſubſcribeing of the ſame bee alſo diſabled from bearing any office vntill he hath anſwered therevnto, and the honourable Governour & Secretarie be intreated to go over to *Accomack* with ſuch aſſiſtants as the houſe ſhall think fitt, for the ſettlement of the peace of that countie, and puniſhinge delinquents. [This order reverſed by an order of Aſſembly, 26th *March*, 1658.]

The order of the laſt Aſſembly in the buſines relateing to land in *York* River deſired by *Tottopottomoy*, as information by ſome perticular members of this Aſſembly is now repreſented, is ordered to be and remaine in force as formerly, Provided he lives on the ſame; but if he leaves it then to devolve to Coll. *William Clayborne*, according to former orders which gave him libertie to make his choice, whether he would have *Ramomak*, or the land where now he is ſeated, and that he appear in perſon before the Governor and Council to make his choice the next quarter courte which of the two ſeates he will hold, and Capt. *John Weſt*, and M^r^ *William Hockaday* are enabled to give a ſafe conduct to the ſaid *Tottopottomoy* and his Indians for their coming to towne and his returne home, And the commiſſioners of *York* are required that ſuch perſons as are ſeated vpon the land of *Pamunkey* or *Chickahominy* Indians be removed according to a late act of Aſſembly made to that purpoſe, And Coll. *John Fludd* to go to *Tottopottomoy* to examine the proceedings of buſines and to deliver it vpon his oath.

Vpon the petition of *Roger Green*, clarke, on the behalfe of himſelfe, and inhabitants of *Nanſemund* river, *It is ordered by this prefent Grand Aſſembly* that tenn thouſand acres of land be granted vnto one hundred ſuch perſons who ſhall firſt ſeate on *Moratuck* or *Roanoake* river and the land lying vpon the ſouth ſide of *Choan* river and the branches thereof, *Provided* that ſuch ſeaters ſettle advantageouſly for ſecurity, and be ſufficiently furniſhed with amunition and ſtrength, *And it is further ordered by the authority aforeſaid*, That there be granted to the ſaid *Roger Green*, the rights of one thouſand acres of land, and choice to take the ſame where it ſhall ſeem moſt convenient to him, next to thoſe perſons who have had a former grant in reward of his charge, hazard and trouble of firſt diſcoverie, and encouragement of others for ſeating thoſe ſouthern parts of *Virginia*.

Whereas diverſe gentlemen have a voluntarie deſire to diſcover the Mountains and ſupplicated for lycence to this Aſſembly, *It is ordered by this Aſſembly*, That order be granted vnto any for ſoe doing, *Provided* they go with a conſiderable partie and ſtrength both of men and amunition.

It is ordered by this prefent Grand Aſſembly that the bounds of the county of *Weſtmorland* be as followeth (*viz.*) ffrom *Machoadoke* river where M^r^ *Cole* lives: And ſo vpwards to the falls of the great river of *Pawtomake* above the *Necoſtins* towne.

Vpon the humble petition of *John Claxſonn* an old *Virginian*, and the teſtimony of the commiſſioners of the countie of *Yorke* where hee lived of the great loſs he ſuſtained by ffire to his vtter vndoeing, not able to maintain himſelfe and five children, The Grand Aſſembly duely weighing his diſtreſſed eſtate hath granted him the ſaid *Claxſonn*, an order as a briefe to gather the charitable benevolence of well diſpoſed perſons. The like alſo is granted vnto *Thomas Bagwell* of the *Iſle* of *Wight* county and to *Richard New* of *James Cittie* county.

It is ordered by this Grand Aſſembly that the comiſſioners of *Gloſter* and *Lancaſter* countys are ſtrictly required forthwith to proportion the Indians inhabiting in the ſaid counties their ſeverall tracts of land according to an act of the laſt Aſſembly in that caſe made, and to ſett and aſſigne them ſuch places and bounds to hunt in as may be convenient, both for the inhabitants and the Indians, whereby the ſeverall ſtocks of the *Engliſh* may be preſerved.

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An act of indempnitie is granted for all ſuch as have lent gunns to the Indians, and if any perſon ſhall hereafter offend and juſtly prooved againſt him, he or they ſo offending ſhall ſuffer ſeveerly according to act in that caſe provided, other counties to have the ſame priviledge.

It is ordered by this prefent Grand Aſſembly that the caſtle duties ſhall be recovered by any refractory perſon's denying the payment thereof as hath formerly bin accuſtomed by way of action in any courte or attachment of their goods and eſtates to that value.

It is ordered by this prefent Grand Aſſembly upon the petition of *Paulus Maeſhouck*, ſervant to *Abraham Van Suſteren*, merchant of *Dunkirk*, that part of the goods forfeited belonging to his ſaid maſter is remitted.

Upon the petition of Leiut. Coll. *Walter Chiles*, *It is ordered by this prefent Grand Aſſembly* that the ſhip *Leopaldus* now adjudged fforfeited and conſigned unto him that he the ſaid *Chiles* ſhould have the ſaid ſhip according as ſhe hath been appraiſed being £400 *ſterling*.[1]

Upon petition of the comm'rs. of the *Iſle* of *Wight* county concerning the recovery of diverſe arrears of country and county levies yet unſatisfied ſince 1644 and the liſts not recorded through the delinquency of the Clk. of that county, *It is ordered by this prefent Grand Aſſembly* that ſuch perſons as have been ſheriffs or collectors of the ſaid levies ſince 1644 and are now living forthwith bring in their ſev'll. liſts and accounts reſpectively unto the ſaid county court, and that ſuch perſons as have been delinquent in paying the ſaid arrears or detaining of them in their hands be reſponſible ffor the ſame and upon default or denial to be recovered by diſtreſs and the parties that have paid the ſame be diſcharged from further moleſtation. And as for thoſe ſheriffs or collectors that are dead their eſtates are to be reſponſable for what ſhall appear due from them under their hands.

It is ordered that *Nath. Battſon* ſtand committed into the cuſtody of the ſheriff of *James City* until he hath ſatisfied Dep: *Webſter* eight beaver skins and an otter skin for a gun which he bought a board the ſhip Duke *Byren*.

According to an order of this Aſſembly, vpon the petition of Coll. *Nathaniel Littleton*, Coll. *Argoll Yarley*, Major *William Andrews*, and ſome other comiſſioners of *Northampton* county, Maſter *Speaker*, Left. Coll. *Edward Major*, Left. Coll. *Geo. Fletcher*, Coll. *Thomas Dew* and Left. Coll. *Rob't Pitt* are nominated as affiſtants to attend the Governour and Secretarie for the ſettlement of the peace of that county, and the puniſhment of delinquents there according to their demerrits, the appointment of all officers both for peace and warr, the diviſion of that county, and the hearing and determineing of the buſineſſe of damages between Capt. *Daniel How* and Left. Coll. *Edm'd. Scarbrough*, As alſo between Capt. *John Jacob* and the ſaid *Edmund Scarbrough*, with all other matters and things neceſſary and incident for the preſervation of the peace of that place, ffor which this ſhall be their comiſſion, The charges which the ſaid comiſſioners ſhall be at, both in goeing ſtaying there & returneing, to be levied vpon thoſe perſons that occaſioned their repair thither.

Whereas S^r^ *William Berkeley*, Kn't. vpon the deliverie vp of the countrey to the government of the Comon-Wealth of *England*, had granted vnto him by articles, that he ſhould have a ſhipp to tranſport him to *England* or *Holland*, and whereas the preſent warr with the Vnited Provinces hath hindred the confirmation of the ſaid articles in *England*, or the comeing of a ſhipp out of *Holland:* And the ſaid S^r^ *William Berkeley* deſireing longer time (*viz.*) eight monthes from the date hereof to procure the ſaid ſhipp out of *ffianders* in reſpect of the warrs with *Holland*, and that ſhe may be cuſtom free for ſuch tobacco as he ſhall lade in her; After debate thereof in the Aſſembly, *It is condeſcended* that his ſaid requeſt ſhall be granted, and he may accordingly within eight months procure a ſhipp out of *ffianders* for the purpoſe in his ſaid articles expreſſed.

Whereas the ſhip *Leopoldus* of *Dunkirk*, for the importation of prohibited goods contrary to the act of Parliament, for the encreaſe of navigation, has been adjudged fforfeited

[1] For bill of ſale, ſee the Appendix to this volume.

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fforfeited, with her tackle, apparel, and ffurniture to this country, ffor the uſe of the Comon-Wealth of *England*, and appraiſed at four hundred pounds *ſterling*, This Aſſembly upon conſideration thereof had her diſpoſed of the ſame as ffolloweth, (*viz.*) two hundred and ffifty pounds to our agent Coll. *Sam. Mathews* and one hundred pounds to Coll. *William Clayborne*, ſec. thirty pounds to the ſpeaker, ten pounds to Coll. *Cornelius Loyd*, and ten pounds to Major *Billingſley* for their ſeverall ſervices done to the country in the ſaid buſineſs.

It is ordered by this preſent Grand Aſſembly that *Nathaniel Battſon* for many misdemeanors & a common defame apparantly true ſhall receive forthwith fifteen ſtripes on the bear back and for ever hereafter not to go or trade amongſt the Indians and in caſe of default to receive further puniſhment by whipping and perpetuall baniſhment.

Rich'd Bennett.
Wm. Whittbey, Speaker

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[From *Hening's* Statutes at Large, I, 387-390, and the *Virginia* Magazine of Hiſtory and Biography, VIII, 387, 388.]

[Some of the Proceedings of the 1654 Seſſion.]

WHEREAS Coll. *Edward Hill* vnanimouſly choſen ſpeaker of this houſe was afterwards maliciouſly reported by *William Hatcher* to be an atheiſt and blaſphemer according to an information exhibitted againſt him the laſt quarter court, from which the honourable Governour and Council then cleered the ſaid Coll. *Edward Hill* and now certified the ſame vnto the houſe: And for aſmuch as the ſaid *Wm. Hatcher*, notwithſtanding he had notice given him of the Governour and Councills pleaſure therein and of the ſaid Coll. *Hill's* being cleered as aforeſaid, hath alſo reported, That the mouth of this houſe was a Devil, nominateing and meaning thereby the ſaid Right Worp'll. Coll. *Edward Hill, It is therefore ordered by this houſe*, that the ſaid *William Hatcher*, vpon his knees, make an humble acknowledgement of his offence vnto the ſaid Coll. *Edward Hill* and Burgeſſes of this Aſſembly; which accordingly was performed and then he the ſaid *Hatcher* diſmiſt paying his fees.

It is ordered by the Aſſembly that the comiſſioners of the militia and the comiſſioners of the reſpective counties ſhall at the next ſeſſions of this Aſſembly in *March* give in an account of the 6 lb. of tobacco per pole lately levied for powder and ſhott for the vſe of each county, and what other powder and ſhott ſhall be in their cuſtody belonging to the county.

It is ordered that the vpper part of *Yorke* county ſhall be a diſtinct county called *New Kent*, from the weſt ſide of *Scimino* creek to the heads of *Pomunkey* and *Mattaponie* river, and downe to the head of the weſt ſide of *Poropotanke* Creeke.

From the head of the north ſide of *Queen's* creeke as high as to the head of *Scimino* creeke is made a diſtinct pariſh named *Marſton* ordered by this Grand Aſſembly.

Whereas certaine arrears by overchargeing of tithable perſons in ſome counties are now in queſtion, *It is ordered* that ſuch errors as are alledged to be comitted ſhall be certified vnder the com'rs. hands att the Aſſembly in *March* next, and for the future that all liſts ſhall be taken and certified vnder the hands of the com'rs. and not otherwiſe, and ſo preſented to the Aſſembly.

It is ordered by this Grand Aſſembly in the difference between Ma^r *George Fawden* & Capt. *George Hardy* that the 3 grants of Ma^r *Fawdens* (the firſt Cont^s 2400 acres upon the Mayne River, the 2nd Cont. 1050 acres dat: *Sept.* 15, *A^o* 1636; the third Cont. 850 acres dat: *Oct.* 4, 1639) ſhall have (as of right formerly they had) priority of Capt. *Hardyes* patent & that it be referred to an able jury to be impannelled upon oath by the ſheriff of the *Iſle* of *Wight* County, with a ſurveyor to lay out the ſaid pattents according to theſe bounds upon the place & the ſheriff to give poſſeſſion according to their Verdict, and Convenient Time to be appointed by the Sheriffe.

It is ordered that Ma^r *Thomas Cely* ſhall continue his poſſeſſion in the land in difference between him & *John Slater*, who claymeth by a pattent dated *Anno.* 1653, which was obtained contrary to an act made in *A^o* 1652, & y^t 800 lbs. of tobacco Coſts be allowed the ſaid *Cely*.

It is ordered that the Salarye appointed for agency, is by ye ſeverall Sheriffs & Collectors reſpectively to be paid to Leu^t Coll^o *Samuell Mathewes* or his aſſignes.

The names of the Committee for the above written private Cauſes are as followeth:

Coll. *Tho. Dew*, Left Coll. *Robert Pitt*, M^r *Wm. Whittbye*, Ma^r *Peter Walker*, M^r *Samuel Stoughton*, M^r *William Whitaker*, M^r *Henry Soane*, Ma^r *Abra. Wood*, Ma^r *Worliech.*—*November* 29, 1654.

Coll.

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Coll. *William Clayborne*, Coll. *William Taylor*, *Edward Diggs*, Eſq^r, were added to the Comittee.

The Governour and Council have thought good to call M^r *Edward Diggs*, Eſq. to be one of the Councill, if the Aſſembly ſhall like thereof, and ſignifie their approbation and concurrence therein, *Novem.* 22, 1654.

Richard Bennett.

It is vnanimouſly conſented vnto, he haveing given a ſignal teſtimony of his fidelity to this collony and Common-Wealth of *England*.

Cha. Norwood, Cler. Aſſem.

Orders of Aſſembly

Concerning the March againſt the *Rappa*'. Indians.

Whereas divers complaints have bin made by the inhabitants of the counties of *Lancaſter*, *Northumberland* and *Weſtmoreland* concerning divers injuries and inſolencyes offered and done by the *Rappahannock* Indians, vnto them the ſaid inhabitants, and have refuſed to give ſatisfaction though often demanded by the comiſſioners of the ſaid countyes, which gives juſt occaſions of jealouſies and fears of an intended warr: *It is therefore ordered* by this preſent Grand Aſſembly, that the ſaid counties bee aſſociated and joyned together in and concerning the affaires of their neighbouring Indians, and that for this preſent expedition there be raiſed in the county of *Lancaſter* one hundred men ſufficiently furniſhed with armes, amunition and proviſions, with boates and other neceſſaries for their voyage to the ſaid *Rappahannock* townes, likewiſe the county of *Northumberland* 40 men qualified as aforeſaid, Alſo in the county of *Weſtmerland* thirty men qualified as aforeſaid, and that the ſaid men be raiſed and preſſed in ſuch manner as the firſt man in commiſſion in each county with the aſſiſtance of the comiſſioners of the reſpective countyes direct and think fitt for the moſt eaſie accompliſhment of this imployment, and that the nomination of the leaders of the ſaid men in the counties of *Northumberland* and *Weſtmerland* be att the appointment of their ſeverall courts reſpectively, all which ſaid men ſo raiſed and preſſed in the ſaid three counties are hereby required to repaire on the firſt *Wedneſday* in *February* next to the houſe of *Thoms Meades* in *Rappahannock* river which is thought the moſt convenient place of generall rendizvouz, and from thence Ma'r. *John Carter* who is hereby appointed commander in cheife is hereby required and authorized to march with all the aforeſaid men to the aforeſaid Indian towne and demand and receive ſuch ſatisfaction as he ſhall thinke fitt for the ſeverall injuries done vnto the ſaid inhabitants not vſing any acts of hoſtility but defenſive in caſe of aſſault, *And it is further ordered* that the ſaid Major *John Carter* give account of his proceedings vnto the hono'ble the Governour who is hereby authorized with the advice of his council to determine of peace or warr in this and all other emergent occaſions concerning the ſaid Indians. *And it is further ordered*, That Capt. *Henry Fleet* and *David Wheatliff* attend the ſaid ſervice as interpreters, the charge of the ſervice aforeſaid to [be] born by the three countyes above ſpecified.

[From *Hening's* Statutes at Large, I, 392, 393.]

THIS Aſſembly is adjourned till the twentieth day of *March* at *James Cittie*, the quarter court is alſo adjourned till the twentieth of *March*.

Rich: Bennett.

Vera Copia, *Edward Hill*, Speaker.

Charles Norwood, Clk. Aſſem.

The ſum of one hundred thouſand pounds of tobacco is aſſigned to the Governour by this Aſſembly, in conſideration of his expences, charge and pains in the government of this collony, ariſing out of the *Dutch* prizes and confiſcation of forrain goods and ſhips, as by the accounts in the Aſſembly appears.

Charles Norwood, Cl. Aſs.

[From the *Virginia* Magazine of Hiſtory and Biography, XVII, 127.]

THE Publick Levy for this Aſſembly [*November*, 1654] laid as followeth:

Weſtmoreland Dr. 170 Tithables at 2 ℔ poll is 4,420.

[From *Hening*'s Statutes at Large, I, 404-09, and the *Virginia* Magazine of Hiſtory and Biography, VIII, 388-90.][1]

[Some of the Proceedings of the 1654/55 Seſſion.]

March 24, 1655.

THIS day ye Committee for private Cauſes was appointed as followeth:

Coll° *Scarborough*, Chaireman, Coll. *John Sidney*, Lieu^t Coll° *Whittaker*, Major *John Bond*, M^r *Tho. Lyggon*, M^r *Holmewood*, M^r *Anthony Wyatt*, Leif^t Collo. *Reade*, M^r *George Lobb*, M^r *Thomas Davis*, M^r *Theophilus Hone*, M^r *William Thomas*—added of the Council, Coll° *Tho. Pettus*, Collo. *Dew*.

Foraſmuch as the ſecurity of this Countrey is intruſted into ye hands of the Commiſſioners of the militia for the reſpective Countyes by vertue of ſeverall orders of Aſſembly in that behalfe made & p'vided, *It is therefore ordered* that the Commiſſioners of the ſaid Militia for ye Counties aforeſaid make diligent ſearch & inquiry of what Ammunition is wanting in their p'ticular Counties & where defects in that caſe ſhall be found, the ſaid defects to be ſupplied at the publique charge of ye County & ye ſaid Commiſſioners to give account thereof to the Aſſembly.

It is ordered that the bounds of *Jordan*'s bounds begin upon *Briſtol*, and ſo extend downward to *Buckar*'s Creek.

It is ordered that Capt. *John Weſt* be paid his ſallary (*viz^t*) 10,000 lbs. Tobacco Conſtantly in *York* River.

Ordered, That from *Poropotank* to *Mattapony* vpward (*viz^t*) on the north ſide of *Yorke* river be a diſtinct pariſh by the name of *Stratton Major*.

Ordered, That no ſurveyor or ſurveyors be elected but ſuch as are choſen by the comiſſioners of ſuch counties where ſuch occaſion ſhall be offered, and thoſe ſo choſen to be recommended to the ſaid com'rs. by perſons well experienced in the faculty, and ſuch as at the preſent are not ſufficiently qualified for the purpoſe aforeſaid to be deveſted of ſuch imployment or imployments and the comiſſioners to judge and determine of theire qualifications after ſuch cognizance given as aforeſaid.

March 17, 1655.—This day M^r *John Page* was admitted unto ye houſe of Burgeſſes.

March 19, 1655.—This day Coll° *John Flood* was admitted into the houſe.

This day the Committee for the Leavie was appointed as followeth:

Major *Robert Holt*, Chairman, M^r *Joſeph Croſhaw*, M^r *Wright*, M^r *Nich. Smith*, Capt. *Blake*, Cap^t *Ralph Langley*, M^r *Robert Ellyſon*.

March 20, 1655.—This day ye Committee concerning ye act for Marketts was appointed & Leif^t Coll. *Walker*, Capt. *Fra. Willis*, Lt. Coll. *Wood*, Capt. *Lluellen*.

Vpon the petition of Dr. *Gyles Moody & John Mitchell* & other ſtrangers—Inhabitants of this Country, *It is ordered* that the aforeſaid perſons be made denizons to purchaſe & hold any lands & Priviledges here (offices & publick employment excepted) *Provided* that Capt. *Nic^o Martn* enioy & hold all offices and employments he having obtained his Denizacon in *England*, *Nevertheles* all Children of ſuch ſtrangers within Limitted or any other ſhall vpon ſuite by them made Obtaine Denizacon.[2]

Vpon

[1] The proceedings which follow are printed in the order in which they appear in the manuſcript volume in the Library of Congreſs uſed by *Hening* as the ſource of his text and by the editor of the *Virginia* Magazine of Hiſtory and Biography in ſupplying moſt of the items omitted by *Hening*. Such of the items as were not thus ſupplied are here given; ſo that the proceedings are now complete—ſo far as they have been handed down. A cloſe compariſon of the original manuſcript volume with the printed items in the Statutes at Large and the *Virginia* Magazine of Hiſtory and Biography ſhows that the latter are eſſentially accurate, only a ſlight modernization in the uſe of capitals and of the apoſtrophe and in the avoidance of contractions being noticed. The form of the ſeveral items as given in the two printed books has been followed in this volume.

[2] This paragraph appears neither in the Statutes at Large nor in the *Virginia* Magazine of Hiſtory & Biography.

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Vpon the petition of the *Iſle* of *Wight* Burgeſſes in behalfe of the inhabitants of that county, *it is ordered*, That 3 of the comiſs'rs. of each county, (that is to ſay) of *Nanſemund* and the *Iſle* of *Wight* county ſhall meet att a ſett time before the next Aſſembly to lay out the bounds of each county, and in caſe of difference to render account thereof to the next Aſſembly that it might be determined.

Ordered that Collo. *Francis Morriſon* take aſſurance of S^r^ *Wm. Berkeley*, Knt., of the middle brick houſe in *James Citty* bought of him the ſaid S^r^ *Will^m^ Berkeley*, as alſo that he give M^r^ *Tho. Woodhouſe* Livery & Seizen of the late State houſe.

In the caſe of *John Bromfeild*, plt. and widdow *Crumpe* defendant, It being found that the will of *Richard Buck*, from whence the land deſcends to the orphant, there does not appeare any eſtate paſt to *Bridget Bromfeild*, late wife of *John Burrowes* otherwiſe then for terme of life onely: there being not mention in the ſaid will of heires, aſſignes for ever, nor in fee ſimple, &c. Likewife it being found, that this very caſe in *November* 29, 1642, was adjudged by the Governour and Councill to be but an eſtate for tearme of life and ſoe thrice voted in this Grand Aſſembly: Likewiſe it being further found that there were 5 other guardians of the ſaid *Buck*'s children by the ſaid will and that they never claimed an eſtate in ffee ſimple but onely for tearme of life: *It is therefore ordered* that the ſaid *Elizabeth Crumpe* continue her poſſeſſion without any further moleſtation in the premiſſes, it being voted and concluded as aforeſaid.

In the difference between Capt. *Streeter*, who married Mrs. *Burbage*, the relict of Capt. *Thomas Burbage*, *It is ordered*, That the plantation of the ſaid *Burbage* att *Nanſemund* be equally devided in quantity and quality both land and houſeing, and all other lands of the ſaid *Burbage* be divided according to quantity and quality as aforeſaid into thirds by a jury vpon the place: of both which being ſoe devided the ſaid *Streeter*'s wife is to chuſe which halfe of the plantation att *Nanſemund* and which thirds of the other land ſhe pleaſeth to enjoy; the ſame only for her life: And *Wm. Burbage* to take the remainder as heire att lawe, the charges of thoſe diviſions to be bearen according to each others proportions.

In the difference between *Carbery Kyggan* and *Wm. Norwood*, *It is ordered*, That *Kyggan* pay the charge of the jury and what was incident therevnto: but that *Norwood* ſatisfie the ſaid *Kyggan* 700 lb. of tobacco for damages the ſaid *Kyggan* ſuſteined in the houſe, orchard and the ffence belonging to the corne ffeild, and that each partye ſince the ſaid jury bear their own charges, And that *Norwood* deliver vp *Kyggan*'s bill, it appearing alreadie ſatisfied, and make a firme conveyance of the land bought of him by *Kyggan* to his heires and aſſigns for ever.

Ordered that M^r^ *Henry Hendrick* be acquitted from ye payment of 900 lbs. of tobo. demanded by M^r^ *Thomas Ballard* the Collector for the County of *Yorke*.[1]

Whereas Leift. Coll. *Tho. Swann* at a ſeſſions holden by commiſſion from the Governour the ſecond day of *July* laſt, in *Surry* County, accuſed & impeached for the death of his ſervant one *Elizabeth Buck*, The fact found by the jury homicide per misadventure whereby he is by law of *England* to ſue out his pardon of courſe vnder the broad ſeale from the chancellor, ffor obteyning of which he hath now humbly addreſſed himſelfe to the Governour and Councill—Vpon conſideration thereof had

Whereas this collony is not as yet ſettled with ſuch officers as belong to paſſing ſuch pardons and noe publick ſeale being in the countrey, The Governour, Councill and Burgeſſes of this preſent Grand Aſſembly conceive it ſufficient to declare, That the ſaid *Thomas Swan* be diſcharged from further trouble, and be reſtored to the like condition he was in before the ſaid homicide *per* miſadventure comitted by him, and that he may ſafely acquieſſe herein as if his pardon had bin ſued out formally. And as concerning his goods and chattles to be forfeited thereby, they likewiſe conceive and declare that the rigor and forfeiture hereof ſhall not be taken, and that he ſhall be acquitted for the ſame.

By

[1] Only in the original manuſcript.

By the Assembly:

The Affembly defire to be informed whether legall proceedings were had in the tryall of Left. Coll. *Tho. Swan* by thofe judges appointed by the Governour's comiffion.

The legality being averred it is ordered to be recorded.

Charles Norwood, Clk. Affem.

Ordered that this Affembly be adjourned till the 10th day of *March* next, 1656, And in cafe any of the prefent Burgeffes are now elected fherriffs the inhabitants of fuch countyes are to proceed to new elections.

Att a Grand Affembly, held at *James Cittie.*

Know all men by thefe prefents, That I S^r *William Berkeley*, Knt. doe by thefe prefents in confideration of the quantity of feaven and twenty thoufand five hundred pounds of tobacco to me in hand paid the receipt whereof I hereby acknowledge and divers good caufes and confiderations me therevnto mooveing give and grant, bargaine and fell vnto *Richard Bennett*, Efq., Governour of *Virginia* and to his heires and affignes for ever all my right, title and intereft that I have or may have in my houfe in *James Cittie*, lately in the tenure of *William Whittby* being the weftermoft of the three brick-houfes which I there built; To have and to hold the faid third brickhoufe with the appurtenances and land therevnto belonging to the faid *Richard Bennett*, his heires and affignes for ever.—And I the faid S^r *William Berkeley* further agree & promife to make any further affurance in law vpon reafonable demand as by counfell learned in the lawes fhall be thought fitt, In witnefs whereof I have herevnto fett my hand and feale the thirtieth day of *March*, one thoufand fix hundred fifty five.

William Berkeley:
The Seale.

Signed, fealed and delivered in the prefence of vs,
William Clayborne.
Tho. Brereton.
Stephen Gray.
Thomas Ellis.
Wm. Waters.

The 30th of *March*, 1655.

Livery and feizin was the day and yeare above written given and delivered to the faid *Richard Bennett*, Efq. by the within named S^r *William Berkeley*, Knt. of the Houfe within named, In the prefence of vs, *William Clayborne*, *William Waters*, *Thomas Brereton*, *Stephen Gray*, *Thomas Ellis.*

Cha: Norwood, Clk. Affem.

Affembly, *March*, 1654-5 [probably 30^th]

In the difference between *Richard Nicolas* & Coll. *Henry Bifhopp: It is ordered* that M^r *Nicolas* fhall be poffeffed & the Tennants remaine paying their future rents to the faid *Nicholas* ye now Proprietor & that Coll^o *Bifhopp* fhall pay 2,000^lb of tobacco Coffts.

Att a Grand Affembly, Held att *James Citty, March* 31, 1655.

Ordered the Governour and Councill be as followeth:

Edward Diggs, Efq. Governour.

Coll. *Wm. Clayborne*, Secretary and next in Council.

Capt. *John Weft*,
Coll. *Sam. Mathewes*,
Coll. *Argoll Yardly*,
Coll. *Thomas Pettus*,
Coll. *Humphrey Higgifon*,
Coll. *George Ludlow*,
Coll. *Will'm. Bernard*,
Coll. *Bridges ffreeman*,
Coll. *Edward Hill*,
Coll. *Wm. Taylor*,
Coll. *Tho. Dew*,
L't. Coll. *Obed. Robins*,
Leift. Coll. *Mathews*,
Capt. *Henry Perry*,
Capt. *Wm. Gooch.*

Whereas

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Whereas William Deynes hath recovered the land in Controverſie. *It is ordered* that *William Deynes* ſhall have one thouſand pounds of tobacco for Coſts and Damages to be paid by the ſaid *Purfrey*.[1]

Ordered that the clerke or clerkes of the county court in *James Cittie*, and all other courts within this collony ſhall give a receipt of what draughts or writings they ſhall receive of any perſon or perſons whatſoever.

Ordered, That the comiſſioners of the count: of *Northampton* ſhall exercife judicature in two diſtinct places of that county, That is to ſay, in the vpper and lower parts, the middle deviſion to be *Hunger*'s Creeke from the head thereof to the widow *Billiott*'s houſe, including the ſaid houſe in the lower precincts, and that the adminiſtration of juſtice ſhall be on the 28th day of every moneth in the vpper part and the other in the lower part, And that the comiſſioners of the reſpective diviſions ſhall attend the courts held therein according to the time and day within limited.

By reaſon of the great inconvenience occaſioned by the partition of the *Iſle* of *Wight* county by *Pagan* Creeke, *it is ordered* that in each pariſh of the ſaid county a monthly court be held on the 9th day of every moneth ſucceſſively each pariſh ſtill continueing equally relative to the comiſſioners of the county in gennerall and that the com'rs. of each pariſh appoint places convenient for the holding of the courts aforeſaid.

[1] This paragraph is only in the original manuſcript.

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[From *Hening*'s Statutes at Large, I, 414, 421-427.]

At a Grand Assembly

Held at *James Citty* by prorogation from the 10th of *March*, 1655, to this inſtant, firſt of *December*, 1656, wherein was inacted as followeth.

FIRST in reſpect of divers members being ſome dead, ſome choſen ſheriffs, theſe vnderwritten were elected, admitted and according to order have ſubſcribed.

Lancaſter County.
Sr. *Henry Chichley*, Kn't.
Henrico County.
Major *Wm. Harris*.
Iſle of *Wight* County.
M[r] *Job. Beazley*.
Glouceſter County.
Capt. *Ramſey*.
Nanſemund County.
Capt. *Edward Stretter*,
M[r] *John Wilcox*.
Lower Norfolke.
Capt. *Richard ffoſter*.
Elizabeth Citty.
M[r] *Peter Aſhton*.

[Here follow in the original manuſcript the laws for the ſeſſion.]

Whereas by a former act of Aſſembly priviledge was granted to any pariſh to ſend one or two Burgeſſes, and ſeverall diſputations ariſeing therevpon, how the charges of the ſaid parochiall Burgeſſes ſhould be defrayed, *It is ordered* that everie county ſhall pay the Burgeſſes vſually ſent from the reſpective counties as formerly, and if any pariſh ſhall return a Burgeſſe for their perticular occaſion, then the charge of the ſaid Burgeſſe to be levied in and by the pariſh that elected him.

Committee appointed for Review of the Acts.
Capt. *Francis Willis*, Chairman.
Leift. Coll. *Abraham Wood*,
Coll: *Geo: Reade*,
M[r] *John Wilcox*,
For private Cauſes.

Major Holt, Chairman.

M[r] *Peter Aſhton*,
Capt. *Ro: Elliſon*,
Capt. *Ralph Langley*,
M[r] *Anth Wyatt*,
Capt. *Moore ffantleroy*,
Capt. *Wm. Harris*,

Capt. *Wm. Whittaker*.

Whereas the Governour and Councill in reſpect of ſome emergent neceſſitie had made choice of Leift. Coll. *Walker* and M[r] *Nathaniel Bacon* to be added to the Councill during the intervall of the Aſſembly, this Aſſembly takeing the reaſons into conſideration confirme their election and accordingly have conſented.

Vpon the petition of Coll. *Thomas Dew* to be impowered to make a diſcoverie of the navigable rivers to the ſouthward between Cape *Hatterras* and Cape *Feare* with ſuch gentlemen and planters as would voluntarily and att their owne charge accompanie him, *It is ordered* that the ſaid Coll. *Thomas Dew* be hereby authorized and impowered to make the ſaid diſcoverie. *Provided* it be done at the proper charge of the vndertakers, and not at the coſt of the publique, and in the abſence or in caſe of the mortality of Coll. *Thomas Dew*, Capt. *Thomas Francis* is hereby inveſted with the like power.

Debate and conſideration of the charge and defence of Coll. *Edward Hill* by the general and unanimous aſſent and vote of both houſes without any contradiction hath been found guilty of thoſe crimes and weakneſſes there alleaged againſt him and for the

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the vindicating themſelves from any imputation of his crimes and deficiencies have ordered that his preſent ſuſpenſion from all offices military and civil that he hath had or may have continue & be made uncapable of reſtitution but by an Aſſembly, and that he be at the charge of whats alreadie expended in procuring a peace with the *Richahecrians* and if the Governour or Councel ſhall find any nearer way to effecting thereof that it ſhall be acted at the ſaid Coll. *Hills* proper coſt and charge.

Whereas a petition was preſented to the hon'ble Aſſembly by the Burgeſſes of the *Iſle* of *Wight* countie in behalfe of the inhabitants of *Terrafcoe* neck and the *Ragged* Iſlands ſubſcribed by divers of the ſaid inhabitants expreſſing their deſires to be taken out of the county of *Vpper Norfolke* and adjoyned to the countie of the *Iſle* of *Wight* for their greater conveniency. *It is ordered* that the Governour be deſired to nominate a councellor who is to appoint a precize time and place for the comiſs'rs. of each countye to meet him, and in caſe the ſaid com'rs. cannot agree about fixing the bounds of each county, Then the ſaid councellor as an vmpire to putt a period to their differences and the bounds by him or them then ſett for the ſeveral counties to remaine for the future vnalterable, It being the opinion of the houſe that naturall bounds will be fitteſt for that purpoſe.

It is ordered by this Grand Aſſembly that there be levied by the pub: annually the ſume of twenty thouſand pounds of tobacco, which is to be allowed for the accomodation of the Governour and Councill att *James Cittie* during quarter courts and Aſſemblyes.

It is ordered by the Aſſembly that twentie-five thouſand pounds of tobacco *per annum* be conferred on the Governour which from time to time ſhall ſucceed in the government of this countrey towards his maintenance in the ſaid place, which is to be yearly levied out of the publique, And alſo that the dutys which ſhipps were formerly vſed to pay to the Capt. of the Caſtell be from henceforth paid to the Governour of this country, to be by them converted to their maintenance in the government as aforeſaid, And that lycenſes for marriages and all other priviledges and comodities enjoyed by the precedent Governours, be confirmed to the preſent Governour with reſervation of the caſtle duties to Coll. *Clayborne* of what ſhipps are alreadie entered or ſhall enter before the expiration of this preſent thirteenth day of *December*.

ffor encouragement of the miniſters in this countrey and that they may be the better enabled to attend both publick commands and their private cures, *It is ordered*, That from henceforth each miniſter, in his owne perſon with ſix other ſervants of his family ſhall be free from publique levies, Allwaies *provided* they be examined by M^r^ *Phillip Mallory* and M^r^ *John Green*, and they to certifye their abilities to the Governour and Councill, who are to proceed according to their judgement.

It is ordered that the pariſh of *Briſtoll* have power to keep courts within their ſaid pariſh and to heare and determine all differences herein as at county courts which courts are to be kept by the comiſſioners dwelling in the ſaid pariſh, but either plt. or defendant if they crave it ſhall have licence to appeale to *Charles Cittie* or *Henrico* county courts.

It is ordered that ſix thouſand pounds of tobacco be allowed to Coll. *ffrancis Morriſon*, ſpeaker of this houſe, for his loſs of time and great care and pains taken about the publick buſines.

It is ordered that Major *Charles Norwood*, heretofore clerk to the Aſſembly, be allowed two thouſand pounds of tobacco in full of all his arrears of ſalary; and the clk. place of the Aſſembly henceforth to be conferred on M^r^ *Henry Randolph* to officiate therein as Major *Norwood* hath done and to have the ſame ſalary.

It is ordered that for this preſent year the com'rs. of the militia in every county endeavour to provide four barrels of powder with ſhot proportionable for each regiment which ſhall be allowed the next year out of the ſeveral county levies; that *Rob't. Hubbard* for the care in attendance on the committee for revew of the acts have two thouſand five hundred pounds of tobacco out of the levies of *James City* or *York* county, *Provided* he write out the acts and orders at large and compleat them according to the direction of the committee and get them ready by the firſt of *March* next.

That

That *Thomas Woodhouſe* for the quarter courts ſetting at his houſe two courts and for the committee's accommodation have two thouſand five hundred pounds of tobacco granted him by the publick.

That letters be ſent unto Coll. *Sam'l. Mathews* and M^r *Bennet* that in reſpect the difference between us and the Lord *Baltamore* concerning our bounds is as far from determination as at firſt, they deſiſt in that particular until further order from this country.

That *George* the *Armenian* for his encouragement in the trade of ſilk and to ſtay in the country to follow the ſame have four thouſand pounds of tobacco allowed him by the Aſſembly.

Whereas a petition was preſented to the honourable Grand Aſſembly by Capt. *Thomas Pritchard* in behalfe of the inhabitants of *Nuttmegg* Quarters intimateing their deſire by reaſon of their ſmall number not longer to continue a pariſh of themſelves, but to be united to the pariſh of *Denbigh*, *It is ordered* that the comiſſioners the next county court make enquirie of the deſires of the inhabitants, and if the major part agree vnto it, then they to be accompted and be members of the pariſh of *Denbigh* aforeſaid otherwiſe to remaine a pariſh of themſelves as at preſent.

This day Coll. *ffrancis Morriſon* was deſired by the houſe to write two letters, one to his highneſs, the other to the Secretary of State, and Capt. *Willis* to draw up a teſtimonial for the Gov'r.

It is ordered, that Coll. *Abraham Wood* be appointed and made Coll. over the regiment of *Charles City* and *Henrico* countys in the room of Coll. *Hill* by this preſent Aſſembly ſuſpended, and Capt. *William Harris* made Major of the ſaid regiment being his due as the firſt Capt. according to the deſire of the ſaid Coll. *Abraham Wood*.

Ordered that *Edward Digges*, Eſquire, being at preſent Governour, be requeſted to continue his office, and reteine the reines of government in his hands during his abode in the countrie, and in the interim Coll. *Samuel Mathews*, Governour elect to take place next him in the councill.

Ordered that *Edward Diggs*, Eſq. Gov'r. after the expiration of his government do in the Councel take place next unto Coll. *John Weſt*, Eſq.

Vpon the petition of Coll. *Abraham Wood* and M^r *Anthony Wyatt* in behalfe of the inhabitants on the ſouth ſide of *Charles Cittie* county, ſhewing the greate inconveniencies accrewing to them by reaſon of the courts being kept on the north ſide of the river, *It is ordered* that the place of keeping courts for the ſaid county ſhall be on the ſouth ſide of the river, at ſuch place as the comiſſioners or the major part of them ſhall find moſt convenient for the eaſe and benefitt of the inhabitants.

Whereas a review of the lawes hath been made by this Grand Aſſembly, *it is ordered* therevpon that they be all digeſted into one volume, and that the ſame be preſented to Leift. Coll. *Walker*, Coll. *Abra: Wood*, and Capt. *ffrancis Willis*, who are deſired as a comittee to compare the ſame with the originall by *March* court next, and vpon their ſigning it publication to follow, And it is further ordered that M^r *Robert Hubert* may have licenſe to carry the originall booke of records home to his owne houſe to copie them out by.

Whereas by petition of the inhabitants of the lower part of *Lancaſter* county ſhewing their vaſt diſtance from the countie courts was preſented to the honourable Aſſembly by Capt. *Moore ffantleroy* and theire deſire of haveing the county devided, *It is ordered* that according to an order of court devideing the ſaid countie at preſent into pariſhes, be for the future the bounds of the two counties, *viz.* The vpper part of M^r *Bennetts* land knowne by the name of *Naemhock* on the ſouth ſide of the eaſtermoſt branch of *Moratticock* Creeke on the north ſide the river be the lower moſt bounds of the vpper county; The lower county to retaine the name of *Lancaſter*, and the vpper county to be named *Rappahannock* county and notwithſtanding this diviſion both counties to be liable to the Burgeſſes charge of this preſent aſſembly.

[From

[From the *Virginia* Magazine of Hiſtory and Biography, XVII, 128-132.]

WHEREAS John Fipps by his petition ſhewed that there was due to him from the Country by former Order One Thouſand one hundred pounds of Tobacco but Ommitted in Caſting up the laſt levy, *It is therefore Ordered* that payment be made him of the ſaid ſum the next Aſſembly.

Whereas Thomas Loving High Sheriff of *James City* County by petition requeſted the Opinion of the houſe whether Coll. *Higgiſon* having been ſo long abſent out of the Country ſhould enjoy the Privilege of Councellor by exempting certain perſons out of the Levies, *It is reſolved* that in Reſpect of his long Abſcence he being in no Publick Employment ſhall not have any Perſons belonging to him Exempted.

Whereas there was an order 1650 Granted for three thouſand ſix hundred and Ninety Pounds of Tobacco to be paid out of the Levy of the County of *Lancaſter* to be paid unto Coll. *Samuel Mathews* which yet remains unſatiſfied, *It is ordered* that the Collectors of the ſaid County make preſent thereof and in caſe of their failing their Security to pay it.

Upon the petitions and Articles of M*r James Crewes* Exhibited againſt Capt. *Philip* We having heard and ſeen all the proofs and Arguments that the ſaid *Crewes* could produce for the Confirmation of them as alſo the defence and Reply of Capt. *Peibles* to the ſame Do unanimouſly Conceive that the ſaid petition and charge of *Crews* is malicious and Scandalous for neither the taking away of the Neat nor tearing the Book mentioned in the firſt Article was anyways prejudicious to the ſaid *Crewes* nor more than *Peibles* might lawfully do and for the Stuff mentioned in the ſecond Article it was no cheat (as Charged) but might be diſpoſed of by Capt. *Peibles* as he pleaſed and that Capt. *Crews* had received Satisfaction for the ſame by account and for the Stabs and Blows mentioned in the third and fourth Articles they were occaſioned by *Crewes* unworthy and uncivil provocation for which Notwithſtanding *Peibles* hath Given Satisfaction according to the order of the County Court. And to the fifth Article no juſt proof appears on *Crews*'s part whereas we humbly conceive that the ſaid *Crews* ought to be made Example for ſuch foul Baſe and unworthy Defamations againſt Capt. *Peibles*—by paying Coſts of Suit and a fine to Capt. *Peibles* for two Thouſand Pounds of Tobacco and that this be a final Determination of the Differences between them this Report being by the Unanimous Vote of both Houſes. *Ordered* to be confirmed.

Upon a full hearing a Serious and mature conſideration of M*r Harlowe*'s Petition having weighed his Objections to the bond which by ſeveral proofs appears to us to be Authentick, We conceive that Mrs. *Whitby*'s *Quietus eſt* hath been Legally and Juſtly obtained and that there are no Affets diſcovered by Us in her Hands to give any other Satisfaction to the ſaid *Harlow* than what are mentioned in an Order of the Governor and Council of the Ninth of *October*, 1655, which according to the proviſo therein Expreſſed (*viz*) (not infringing the Right and precedency of any former Judgment) we Conceive may be performed towards Satisfactions of the ſaid *Harlow* it appearing to us that the Order was grounded upon and according to M*r Harlow*'s own propoſition which ſaid Order Mrs. *Whitbey* never refuſing to perform we conceive M*r Harlow* had no Cauſe to put her to this great Charge and Moleſtation and therefore have *Ordered* that the ſaid M*r Harlow* pay three thouſand pounds of Tobacco for coſts and damages upon thrice Voting of which Report in the Houſe on *Saturday* and Confirming it by another upon *Monday* at the petition of M*r Harlow* for taking off his damages *It is ordered* by this Grand Aſſembly that the Eſtate mentioned in the Deed be confirmed to the ſaid Mrs. *Whitbey* their proper Eſtate and Remain free and diſcharged from the Claim of any perſon or perſons that may pretend any title or Intereſt therein as Creditor to her Late Huſband M*r Whitby*.

Upon the Petition of Major *John Bond* Sheriff of the *Iſle* of *Wight* County and the petition of M*r Theophilus Hone* Sheriff of *Elizabeth* County Complaining that their Counties have been over Rated in the Liſt of Tithables (*viz*) the *Iſle* of *Wight* by 38 perſons

ſons amounting to twelve hundred Ninety and two pounds of Tobacco and *Elizabeth City* 32 perſons amounting to one Thouſand Eighty and Eight pounds of Tobacco, *It is Ordered* that the ſaid Sums be taken off the ſaid Counties reſpectively and Laid upon *Lancaſter* County where they are Increaſed ſince the laſt Year's Liſt 152 perſons.

Upon The Petition of M^r *John Page It is ordered* that he be allowed five hundred pounds of Tobacco more for a Horſe loſt in the laſt Expedition having formerly had two Thouſand pounds of Tobacco allowed him by the Governor and Council which we conceive too little.

Upon the petition of Mrs. *Margaret Skinnar It is Ordered* that the Schedule annexed to her petition for the making Good of her Articles to her Children out of M^r *Skinnar*'s Eſtate done by Order of the *Iſle* of *Wight* Courts as very Reaſonable and Juſt be ſo confirmed by this Aſſembly.

Upon the Motion of Coll. *Flood* againſt M^r *Will Batt* for tending of Seconds and being found guilty of the Breach of the ſaid Act, *It is Ordered* that the Seconds be deſtroyed and the ſaid *Batts* to pay two thouſand pounds of Tobacco according to the ſaid Act.

It is Ordered that *Thomas Woodward* Clerk to the Committee of private Cauſes this Aſſembly being [be] allowed out of the next Year's Levies fifteen hundred pounds of Tobacco.

Upon The petition of *Richard Nicholas It is Ordered* that the County pay unto the ſaid *Nicholas* Sixteen hundred pounds of Tobacco to be placed in *Charles City* County towards the Charge and Coſts he hath been in recovering and finding a Horſe which was carried away of the ſaid *Nicholas* which Horſe was upon the Service in the ſecond Expedition.

Upon The petition of *Robert Elliſon whereas* in the former Seſſions of this Aſſembly difference between him and Lieut. Coll. *Swan* appeareth to have been debated at the Committee for private Cauſes and a Report thereof made to the Aſſembly but not determined by reaſon of M^r *Elliſon*'s ſudden departure out of Town this Aſſembly finding that former Report juſt and reaſonable have *Ordered* the ſame to be ratified and confirmed.

In the Buſineſs between *Nicholas Seabrill* and Capt. *Giles Brent* by conſent of both parties it was agreed that an inqueſt of the Old Neighbours (*viz't*) M^r *Nicholas Brook Ralph Simkin* and M^r *Richard Daines* ſhould to the beſt of their Knowledge Lay forth the ſaid Land and after it is laid out that the Sheriff poſſeſs the ſaid *Seabrill* therewith and this to be a final Determination of the Buſineſs the ſaid *Brent* paying *Seabril* fifteen hundred pounds of Tobacco for coſts and Damages (*viz't*) five hundred pounds of Tobacco this Year and one Thouſand pounds of Tobacco the next Year which is *Ordered* and *Confirmed* Accordingly.

Upon the petition of *Thomas Dipual It is Ordered* that he be allowed five hundred pounds of Tobacco for Damages done to his Boat in carrying Soldiers proviſions up to the Fort.

M^r *Anthony Langſton*'s petition is reverſed to further proof.

Upon the Petition of *Ralph Langley* concerning Damage ſuſtained by a Boat of his preſſt for the Service of the Country *It is Ordered* that he be allowed five hundred pounds of Tobacco.

Upon the petition of Maſter *Anthony Wyat* for Satisfaction concerning a Boat bulged in the Country Service, *It is Ordered* that he be allowed five hundred pounds of Tobacco.

Upon the Petition of M^r *Banniſter it is Ordered* that he be allowed four hundred pounds of Tobacco for the uſe of his Boat and two hundred Seventy and Seven pounds of Tobacco for proviſions that he furniſhed Coll. *Hill* withall for the uſe of the Soldiers.

Upon the Petition of Coll. *Edward Hill It is Ordered* that he be Satisfied Six Thouſand pound of Tobacco for Ammunition and other proviſions procured by him for the uſe of the Army.

Upon the Petition of *Walter Cooper It is Ordered* that fifteen hundred pounds of Tobacco be allowed him for his Attendance and Service done to the laſt Aſſembly and this.

Upon

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Upon the Petition of *Thomas Hunt It is Ordered* That three hundred and twenty pounds of Tobacco be allowed to the four Men for their Service done to the Publick mentioned in his Petition.

Upon the Petition of *Henry Walker It is Ordered* that he have four hundred pounds of Tobacco for his pains of finding a Horſe of *Wm. Jupons* and four Hundred pounds of Tobacco more when he ſhall bring in the Other Stray Horſe ſuppoſed to be *Rich'd Egleſton's*.

It is Ordered that Sir *William Berkeley* be allowed four Thouſand five hundred pounds of Tobacco and Cask with the Tobacco upon the Sale of his Houſe It being according to the Agreement tho' Omitted by the Clerk and that it be placed upon *James City* County.

Upon the Petition of *Thos. Loving* Sheriff of *James City* County We think fit that he ſhould be allowed two thouſand three hundred pounds of Tobacco.

Edw'd Diggs.

Francis Moryſon, Speaker.

[From *Hening's* Statutes at Large, I, 427, 428.]

IT is ordered that Sir *Wm. Berkeley* be allowed four thous'd. five hundred pounds of tobacco for cask with the tobaccos upon the ſale of his houſe, It being according to the agreement though omitted by the clerk and that it be placed upon *James City* county.

[From *Burk's* Hiſtory of *Virginia*, II, 116, 117.]

May it pleaſe your highneſs,

WE could not find a fitter means to repreſent the condition of this country to your highneſs, than this worthy perſon, M^r *Digges*, our late governor, whoſe occaſions calling him into *England*, we have inſtructed him with the ſtate of this place as he left it; we ſhall beſeech your highneſs to give credit to his relations, which we aſſure ourſelves will be faithful, having had many experiences of his candor in the time of his government, which he hath managed under your highneſs, with ſo much moderation, prudence, and juſtice, that we ſhould be much larger in expreſſing this truth, but that we fear to have already too much treſpaſſed, by interrupting your highneſs's moſt ſerious thoughts in greater affairs than what can concern your highneſs's moſt humble, moſt devoted ſervants.—Dated from the aſſembly of *Virginia*, 15th *December*, 1656.

Superſcribed,

For his Highneſs the Lord Protector.

Right honorable,

Though we are perſons ſo remote from you, we have heard ſo honorable a character of your worth, that we cannot make a ſecond choice, without erring, of one ſo fit and proper as yourſelf, to make our addreſſes to his highneſs the lord protector. Our deſires we have intruſted to that worthy gentleman mr. *Digges*, our late governor; we ſhall deſire you would pleaſe to give him acceſs to you, and by your highneſs. And as we promiſe, you will find nothing but worth in him, ſo we are confident he will undertake for us, that we are a people not altogether ungrateful, but will find ſhortly a nearer way than by ſaying ſo, to expreſs really how much we eſteem the honor of your patronage, which is both the hopes and ambition of your very humble, and then obliged ſervants.

From the aſſembly of *Virginia*, 15th *Dec.* 1656.

Superſcribed,

To the right honorable John Thurlow,
Secretary of State.

Honored

[1] The text here ſeems to be defective. Some ſuch words as "aid, acceſs to his" ought to be between "your" and "highneſs".

Honored ſir,

I am commanded by this preſent aſſembly, now ſitting, to certify you, that they having taken into their conſideration that the difference of bounds between *Virginia* and *Maryland*, hath been in long diſpute, and yet as far from determination as at firſt: It is therefore their unanimous deſire, that you deſiſt from all manner of farther proceeding in the ſame, until further order from the country. This, ſir, is the ſum of what I am enjoined from them to let you know, beſides their thanks and my obligation in particular, which obliges me to ſubſcribe myſelf, your very humble ſervant,

Francis Morryſon.

Superſcribed,
To Colonel Samuel Matthews.

Inſtructions for the Honorable Edward Digges.

Upon your firſt arrival, you are deſired to make your firſt addreſſes to the right honorable *John Thurlow*, ſecretary of ſtate, and after delivery of the country's letters, by his means to get addreſs to his royal highneſs the lord Protector. You are to aſſure his highneſs, that according to his letter we have not intereſted ourſelves in the buſineſs betwixt *Maryland*—and have been unconcerned in their quarrel from the beginning until this time, and ſo ſhall continue according to his highneſs's direction in that letter. You are deſired to join yourſelf with our friends colonel *Matthews* and mr. *Bennett*, and to treat with the moſt conſiderable merchants that uſe this trade, and to let them know how much this aſſembly hath endeavored to leſſen the quantity and mend the quality of tobacco; to ſee what they will do towards it, therefore without the endeavor be reciprocal, we ſhall hardly mend the commodities without they mend the price, for if we once find that good and bad is all one as in reſpect to us, we ſhall certainly make that which is made with moſt eaſe. Of theſe tranſactions and the ſucceſs of them, you are deſired to give the country an account by the firſt ſhips next year.

[From the *Virginia* Magazine of Hiſtory and Biography, VIII, 390, 391.]

Aſſembly, *December*, 1656.

UPON the petition of *William Hudſon* concerning a pattent of land that ye ſaid *Hudſon* is at preſent ſeated upon, but claimed by Collo. *Wm. Clayborne* who conceives it his due by a Grant of Aſſembly, in reſpect of the ſaid Collo. *Clayborne*'s not being timely enough ſummoned to provide his anſwer according to the limitation of the Act. *It is ordered* upon the deſire of the ſaid Collo. *Clayborne* that the whole buſineſs concerninge the title be referred to the next Aſſembly, and in the interim ye ſaid *Hudſon* to enjoy the land without moleſtation & the ſaid Collo. *Clayborne* to take notice of this as a Lawfull ſummons.

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[From *Hening's* Statutes at Large, I, 495-505, and the *Virginia* Magazine of Hiſtory and Biography, VIII, 391-95.][1]

[Some of the Proceedings of the Houſe of Burgeſſes for the *March* 1657/58 Seſſion.]

[*March* 23, 1657.]

THE anſwer of the Governor and Council to the Houſe's Meſſage about the lawyers.

The Governor and Council will conſent to this propoſition ſo farr as it ſhall be agreeable to *Magna Charta*.

Wm. Claiborne.

23 *Martii*, 1657.

March 24, 1657.

WHEREAS Major *William Lewis* pr'ferred a petition to the houſe therein requeſting that a Comiſſion might be granted unto them, M^r^ *Anthony Langston* and Major *William Harris*, to diſcover the Mountaines & Weſtward parts of the Country & to endeavour the finding out of any Commodities that might probably tend to the benefitt of this Country.

It is ordered for encouragement to them & others that ſhall be of the like publique and Generous Spiritts that a Comiſſion ſhall be granted them to authorize their Undertakeings and all ſuch Gentlemen as ſhall voluntarily accompany them in the ſaid diſcoverie.

March, 25th, 1658.

PROPOSED, Whether the committee ſhould draw vp a reply to the anſwer of the Governour and Council of the 23d inſtant, concerning the propoſition about lawyers.

Reſolved, An anſwer ſhould be drawn vpp by the comittee.

The humble reply of the Burgeſſes to the Governour and Councill.

1. Concerning Lawyers. 2. Concerning the manner of proceedings in law.

To the firſt wee have conſidered *Magna Charta* and wee cannot diſcerne any prohibition conteined therein but that theſe propoſitions may paſs into lawes.

It was reſolved in two former Aſſemblyes that it was not onely neceſſary but that they had power to make lawes for that purpoſe, as appears by two acts of Aſſembly now vpon record.

The firſt whereof ſtood in force above ten years and the later addition was added in 1647, which acts ſtood in force vntill the laſt Aſſembly, And ſoe we humbly conceive that wee have no leſs power nor cauſe to make the like lawes.

Yorke Com^ty^ referred to the Publique Comittees—

M^r^ *Sparrows* pet^n^ as Attorney for *Hacker* referred to the publique Comittee—(29 *John*

[1] The items are given in the order in which they appear in the manuſcript volume, now in the Library of Congreſs, uſed as a ſource by both *Hening* and the editor of the *Virginia* Magazine of Hiſtory and Biography. See the note as to the ſource of the proceedings of the 1654/55 ſeſſion.

John Perryman his petition about his fferry referred to y[e] publique Com[tee] [1]

The petition of the Inhabitants of the Northfide of *Charles* County for deviding their County referred to ye Publique Comittee.

The petition of ye Inhabitants of the Southfide of *Rappahannock* river referred to the Comittee for Publique Affaires.

Propofed, Whether all propofitions and lawes exhibitted by the comittee fhall be firft treated on in the Houfe by the Burgeffes in private or in prefence of the Governour and Councill.

Refolved by a generall confent that they fhall be firft difcuffed among the Burgeffes only.

March 26th, 1658.

PROPOSED, Whether a regulation or totall ejection of lawyers?

Refolved, By the firft vote. An ejection.

Propofed whether ground leaves or feconds are merchantable tobacco.

Refolved they are not merchantable tobacco. N. 31.

Propofed whether old debts made without excluding ground leaves may not be fatisfied after the rate of three hundred cleer, to pay four hundred with them, And in cafe of the creditor's refufall the debtor to pay one hundred in 400 in ground leaves and fo proportionably.

Refolved 300 fhall pay 400, or the refidue to be paid in ground leaves.

Propofed whether any tobacco to be planted after the 10th of *July*.

Refolved none fhall plant tobacco after the tenth of *July*.

Propofed what pennalty be impofed vpon the perfon or perfons planting after the faid tenth of *July*.

Refolved: To be fined tenn thoufand pounds of tobacco.

Propofed whether this Affembly to be adjourned or diffolved.

Refolved to be adjourned to the firft of *November*.

Propofed, whether hides, raw or tannd, wooll or old iron fhould be exported.

Refolved they fhall not be exported.

Propofed what penalty to be impofed on the infringers of that lawe prohibiting exportation as in the laft quaere.

Refolved. Confifcation of the veffell and goods taken, and this act to be in force after the tenth of *June* next.

March 27, 1658.

PROPOSED—Whether Fences being but four foot & a half high fhould be Eſteemed ſufficient or elſe five foot & a halfe.

Refolved, A Fence of four foot & a halfe high is ſufficient.

Upon complaint made to the houſe by ye honourable ye Governour ag[t] Captain *Francis Willis* for departing out of ye Toune contrary to ye Expreſſe Comand of the honourable the Governor: *It is ordered* that ye ſaid Cap[t] *Willis* be forthwith ſent for by a Warrant from ye Aſſembly to anſwer his contempt.

March 29

[In pencil by *Hening:* "Seſſion of 1657-8"].

ABOUT a Re-debate of ye propoſition about impoſing two ſhillings upon each hogſhead of tobacco Exported, *It was refolved*, That only one ſhilling ſhould be impoſed on a hhd., And that to be allowed the Govern[r] only during the time his Elleƈtion is in our power.

A Comittee appointed to regulate the Comiſſioners of the County Courts were theſe underwritten:

M[r]

[1] The three foregoing items are neither in *Hening* nor in the *Virginia* Magazine of Hiſtory and Biography, but are found in the original manuſcript.

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M^r *Warham Horſmanden*, Chairman, Capt. *William Michell*, M^r *Joſeph Bridger*, Le't.-Coll. *Edward Carter*, M^r *Jerom Ham*, Major *Wm. Wooldridge*, Major *Lemuel Maſon*.

In ye difference debated between M^r *Joſeph Bridger*, Burgeſſe of the lower p'iſh of the *Iſle* of *Wight* County & the reſt of the Burgeſſes of the ſaid County, Whether there ſhould be two Courts & two Countyes, or two Courts & one County. *It was Reſolved & ordered accordingly*, That they ſhould continue one County & keep Courts in two places as formerly.

March the 30th.

UPON returne of the petition of the inhabitants of the north ſide of the river in *Charles Cittie* county from the comittee to the houſe—*It is ordered*, That the county of *Charles Citty* ſhall not be divided, but that it remaine one entire county and for the eaſe of the people that there ſhall be 2 courts kept one on the South ſide where it is, and the other on the North ſide by turnes. The com'rs. of both ſides to aſſiſt at both courts indifferently: And each ſide of the river to beare the charge of building their own court houſe & priſon.

This Grand Aſſembly taking into their conſideration the inequality of raiſeing taxes *per* poll, And the ſmall encouragement given to any publique endeavors by reaſon of the inconſiderable value of levy tobacco, *It is therefore ordered* that two ſhillings *per* hhd. be laid vpon every hhd. of tobacco exported out of this country, out of which money ſo to be raiſed ſixe hundred pounds *ſterling* to be paid to the honourable *Samuel Mathewes*, Eſquire, Governour.

March 31ſt, 1658.

WHEREAS in the proportion of the publique charge there is ſpecified an allowance of two hundred pounds, for accomodation of the councellors at quarter courts and Aſſemblyes it is

Propoſed, Whether any thing ſhall be allowed the councellors for their acomodation or not.

Reſolved by the firſt vote nothing to be allowed them.

Propoſed, If the Burgeſſes charge is paid out of the publique levy on the tobacco exported, whether it be not neceſſary to reſtraine the countyes to the election of onely two out of a county.

Reſolved by the ffirſt vote, that there ſhall be allowed to each county the ffreedom to elect as many Burgeſſes as formerly.

This day all the former acts haveing been peruſed by the committee for viewing and regulating them were by the ſaid comittee preſented to the houſe, where being read and ſeriouſly diſcuſſed they were approved of in the Houſe and a comittee appointed to preſent them to the Governour and Councill, and to adviſe with him and his councill about the explanation or alteration of any ſeeming difficulties or inconveniencyes, Yet with this lymitation not to aſſent to any thing of conſequence without the approbation of the Houſe.

The Comittee.

Coll° *John Carter*	Le^t Coll° *Thomas Swanne*
Le^t Coll° *Edward Carter*	Major *Richard Webſter*
M^r *William Edwards*	M^r *John Willcoxe*.

The reſidue of the Comittee for publique Affaires being ſtill to continue their proceedings & Capt *William Michell* to be Chairman to requeſt alſo y^e aſſiſtance of one of the Councell

Propoſed

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Propoſed Whether y^e^ Caſtle Duties be continued to the Governo^r^ as by order of the laſt Aſſembly, or to be received in Amunition in kind and be proportioned to every county according to the number of their tithables.

Reſolved at preſent to continue as they do.

Propoſed Whether y^e^ party the publique or the County to beare y^e^ Charge of Priſoners for criminal offences where y^e^ party is cleered.

Reſolved. By explanation of Act concerning that purpoſe w^ch^ ſee.

Propoſed. Whether after y^e^ nominateing a Comiſſioner (to be admitted) by the County Court, & the approbation of him by y^e^ Governo^r^ and Councill the Confirmation of the Aſſembly be requiſite.

Reſolved. By explanation of the Act concerning Comiſſioners, w^ch^ ſee.

Propoſed. Whether all Publique Levy in tobacco to be taken off, And the Burgeſſes for this preſent Seſſion to be paid out of the County Levy. And y^e^ Governour, Councill & the publique officers and arrears due from the publique to be paid out of the money to be raiſed uppon the two ſhillings *per* hogſhead, & thoſe propoſitions to be drawn up into an Act.

Reſolved. By three Affirmative Votes for Confirmation & an Act & order drawn up to that purpoſe, w^ch^ ſee.

April the firſt, 1658.

VPON the petition of the inhabitants of *Middle Plantation* and *Harrop* pariſhes, *It is ordered*, That both of them be henceforth incorporated into one pariſh which is to be called the pariſh of *Middletowne* and the bounds of the ſame to be thoſe already includeing both the aforeſaid former pariſhes.

Upon y^e^ petition of Cap^t^ *Bennette ffreeman* ſhewing the great Inconvenience of his houſe being ioyned to the Vpper pariſh of *Chickahominy* & praying that he might be United to the pariſh of *Wallingford*, *It is ordered* that the houſe he now dwells in ſhall be annexed to & be in the pariſh of *Wallingford*[1]

The Governour and Councill for many important cauſes do think fitt hereby to declare, That they do now diſolve this preſent Aſſembly, And that the Speaker accordingly do diſmiſs the Burgeſſes.

Samuel Matthewes.
W: Claiborne.

Subſcribed,

Thomas Pettus,

Obedience Robins, *Henry Perry,*
John Walker, *Nathaniel Bacon,*
Geo: Reade, *ffrancis Willis.*
William Bernard,

The Anſwer of the Burgeſſes to the declaration of the Honourable Governour and Council.

The Houſe humbly preſenteth, That the ſaid diſolution as the caſe now ſtandeth is not preſidentall neither legall according to the lawes, now in force, Therefore wee humbly deſire a revocation of the ſaid declaration, eſpecially ſeeing wee doubt not but ſpeedily to finiſh the preſent affaires to the ſatisfaction of your honour and the whole country.

Subſcribed,

John Smith, Speaker.

Vpon

[1] This paragraph is found neither in *Hening* nor in the *Virginia* Magazine of Hiſtory and Biography, but is in the original manuſcript.

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Vpon which tranſactions (worne out)[1] being but three monthes abſent, *It was voted vnanimouſly*, That no Burgeſſe * * * and if any ſhall depart, That he ſhall be cenſured as a perſon betraying the truſt repoſed in him by his country, And the remaining to act in all things and to all intents and purpoſes as a whole and entire houſe, And ffurther, That M^r *Speaker* ſigne nothing without the conſent of the major part of the houſe.

Voted further, That an oath of ſecreſy be adminiſtred to the Burgeſſes which was done as followeth.

The Oath.

You ſhall ſweare that as a Burgeſſe of this Houſe you ſhall not either directly or indirectly repeate nor diſcover the preſent or future tranſactions, debates or diſcourſes that are now or hereafter ſhall be tranſacted or debated on in the Houſe to any perſon or perſons whatſoever except to a Burgeſſe of this Aſſembly now preſent dureing the time of this preſent ſeſſion. So help you God and the contents of this Booke.

This oath taken by all the Burgeſſes preſent.

The reply of the honourable the Governour and Councill.

Vpon your aſſurance of a ſpeedy iſſue to conclude the acts ſo near brought to a confirmation in this Aſſembly, wee are willing to come to a ſpeedy concluſion, And to referre the diſpute of the power of diſolving and the legality thereof to his Highneſſe the Lord Protector;

Subſcribed,

Samuel Mathewes.
Wm. Claiborne, Sec.

Ja: Cittie, April 2d, 1658.

The Anſwer of the Burgeſſes.

The Houſe is vnanimouſly of opinion that the anſwer returned is vnſatisfactory, and deſire with as much earneſtnes as the honourable Governour and Council have expreſſed a ſpeedy diſpatch, and propoſe That the Governour and Councill pleaſe to declare

The Houſe remaines vndiſolved that a ſpeedy period may be putt to the publique affaires.

Subſcribed,

John Smith, Speaker.

James, Ap: the 2d, 1658.

The reply of the Governour and Councill.

Vpon your promiſe received of the ſpeedy and happy concluſion, Wee revoke the declaration for the diſſolution of the Aſſembly, And referre the diſpute of the power of diſſolving and the legality thereof to his Highneſſe the Lord Protector.

Subſcribed,

Samuell Mathewes,
Wm. Claiborne, Sec.

The Houſe, vnſatisfied with theſe anſwers, appointed a comittee to draw vp a report for manifeſtation and vindication of the Aſſembly's power which after preſentation to the Houſe to be ſent to the Governour and Councill, Theſe vnderwritten being appointed the committee:

Coll. *John Carter*, M^r *Warham Horſmenden*, Coll. *John Sidney*, Lev't. Coll. *Thomas Swann*, Major *Richard Webſter*, M^r *Jerom Ham*, Capt. *Wm. Michell.*

The ſame comittee is by the Houſe impowered to draw vp all ſuch propoſitions as any way tend to or concerne the ſettling the preſent affaires of the country and government.

The

[1] So marked in the manuſcript.

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The Report of the Comittee nominated for vindication and manifeſtation of the Aſſemblyes Power.

Wee have conſidered the preſent conſtitution of the government of *Virginia* and do propoſe, That wee find by the records, The preſent power of government to reſide in ſuch perſons as ſhall be impowered by the Burgeſſes (the repreſentatives of the people) who are not diſſolvable by any power now extant in *Virginia*, but the Houſe of Burgeſſes

They humbly think fitt that the Houſe do propoſe,

Samuel Mathewes, Eſquire, to remaine Governour and Capt. Gen'll. of *Virginia*, with the full powers of that truſt, And that a Councill be nominated, appointed and confirmed by the preſent Burgeſſes convened, with the aſſiſtance of the Governour for his advice.

Vpon which Report was drawne up this Declaration.

The Burgeſſes takeing into conſideration the many letts and obſtructions in the affaires of this Aſſembly and conceiving that ſome perſons of the preſent councell endeavour by ſetting vp their own power to deſtroy the apparent power reſident only in the burgeſſes, repreſentative of the people, as is manifeſt by the records of the Aſſembly:

Wee the ſaid Burgeſſes do declare, That we have in our ſelves the full power of the election and appointment of all officers in this country vntill ſuch time as wee ſhall have order to the contrary from the ſupreme power in *England*, All which is evident vpon the Aſſembly records.

And for the better manifeſtation thereof and the preſent diſpatch of the affaires of this countrey we declare as followeth:

That wee are not diſſolvable by any power yet extant in *Virginia* but our owne, That all former election of Governour and Council be void and null; That the power of governour for the future ſhall be conferred on Coll. *Samuel Mathewes*, Eſq. who by vs ſhall be inveſted with all the juſt rights and priviledges belonging to the Governour and Capt. Generall of *Virginia* and that a councill ſhall be nominated, appointed and confirmed, by the preſent burgeſſes convened (with the advice of the Governour, for his aſſiſtance,) And that for the future none bee admitted a councellor but ſuch who ſhall be nominated, appointed and confirmed by the houſe of Burgeſſes as aforeſaid, vntill further order from the ſupreame power in *England*.

Subſcribed, *John Smith*, Speaker.

By the Grand Aſſembly.

Theſe are in the name of his Highneſſe the Lord Protector to will and require you not to act or execute any warrant, precept or command directed to you from any other power or perſon then the Speaker of this hon'ble. Houſe, whoſe commands you are hereby required to obey and not to decline therefrom vntill further order from vs the Burgeſſes of this preſent Grand Aſſembly, hereof faile not as you will anſwer the contrary at your perill. Given 2d *Apr.* 58.

Signed, *John Smith*, Speak'r.

Directed to Capt. *Robert Elliſon*, High Sheriff of *James Citty* County and Serjeant at Armes for this preſent Grand Aſſembly.

It is ordered, That whereas the ſupreame power of this country of *Virginia* is by this Grand Aſſembly declared to be reſident in the Burgeſſes, the repreſentatives of the people, That in reference and obedience thereto Coll. *William Claiborne* late ſecretarie of ſtate forthwith ſurrender and deliver the records of the country into the hands of the Speaker of this preſent Grand Aſſembly.

Coll. *Claiborne* being ſent for by the ſergeant at armes there was drawen vp the next enſueing order.

Whereas it hath been ordered by this preſent Grand Aſſembly, That Coll. *William Claiborne* late ſecretarie of ſtate ſhould deliver, vppon oath, all the records concerning this country of *Virginia* or any perticular member thereof vnto this preſent Grand Aſſembly,

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ſembly, *Theſe are to impower & authorize* Coll. *John Carter* and M^r *Warham Horsmenden* to receive the ſame in the name and behalfe of the aforeſaid Grand Aſſembly, and for ſuch records as they ſhall receive to give the ſaid Coll. *Claiborne* a full receipt and diſcharge.

Whereas it appeareth by the report of the Comittee grounded upon an order of the Govern^r & Councell of ye 11th of *December*, 1656, that there was accepted by *John Leare* a portion given by Miſtreſſe *Streeter*, the ſaid *Leare*'s wife's mother, in lieu of the eſtate due to her the ſaid *Leare*'s wife from the eſtate of M^r *Thos. Oldis*, dec'd, And that in relation thereto Capt. *Edw^d Streeter*, who married ye Executrex of ye ſaid *Oldis* had made a delivery of ſeverall the Goods & Chattells, by his wife to ye ſaid *Leare*'s wife in conſideration of her Father's Legacy formerly demiſed, And finding yet due from the ſaid *Streeter* to compleat & make up ye ſaid porcon given in Lieu of the Legacy aforeſaid, Eight neat Cattle, one thouſand acres of Land, one Negro man called *Abraham, It is therefore ordered:* That ye ſaid Capt. *Streeter* forthwith make delivery of the premiſſes, And make as good aſſurance of the Land as by law he may or can, unto ye ſaid *Leare* or aſſigns, with ſix hundred pounds of tobacco damages & coſts of ſuite *als* Execution.

Whereas by act of Aſſembly held at *James Citty* in *March* now paſt, It is enacted, That all Aliens & Strangers which have inhabitted this Country ſoure yeares & are firmly reſolved to make this Country the place of their conſtant Reſidence, ſhould be free Denizens of this Collony & thereby be inveſted with all priviledges they are in any way capable of.

This Grand Aſſembly upon the petition of *William Weſterhouſe*, a *Dutchman, have hereby declared, approved and made* the ſaid *Weſterhouſe* a Free Denizen of *Virginia*, giving thereby & granting unto ye ſaid *Weſterhouſe* full power and priviledge to purchaſe, hold & diſpoſe of Lands. To trade & traffique & all other law^ll priviledges & Imunities to be inveſted with & enjoy, in as full & ample manner to all intents & purpoſes as if he had been an *Engliſhman* borne (The bearing of publique offices & imployments Exempted), with which Denizacon his children alſo may be inveſted with, Allwaies *provided* that in the County Court where he or they do or ſhall reſide, he and they ſhall take an oath of Fidelity to the government of this Country, which oath is to be adminiſtered by the Com^rs of the ſaid County Court & there to be Recorded.

Denization iſſued in the forme above ſpecified to *George Hacke*, Chirurgeon, being a *German* borne, now reſident in the County of *North'ton*.

Comiſſion for Naturalizacon iſſued out to M^r *William* & *John Cuſtis* in the forme above, onely they & their iſſue are capeable of bearing office, they being borne of *Engliſh* parents.

Lambert Grooten, of *Accomack*, *Minor Dowdas*, of ye *Iſle* of *Wight* County, and *John Abraham*, of ——, *Dutchmen*, had Comiſſion of Denizacon granted them as above.

Whereas at a Quarter Court held at *James Citty* the 13th of *October*, 1656, *Nicholas Trotte*, obteined order ag^t *Thomas Buſhrod* for preſent paym^t three thouſand two hundred twenty-ſower pounds of tobacco and Caske, from which the ſaid *Buſhrod* appealed to ye Aſſembly, exhibiting in his petition to them that he had tendred tobacco to the ſaid *Trotte* for ſatisfaction of the ſaid order, & all other bills due (as the ſaid order of Court was), out of his own Crop; But it appearing upon full Examination of the buſineſs, That ye tobacco was never legally tendred nor ye Viewers legally qualified, nor that they were all preſent at one time, nor that any notice was given of it to M^r *Trotte*, nor that all the Viewers make a report of the tobacco being good. And Further the ſaid *Buſhrod* not makeing his tender untill the ſhipping neare gone * * * *Aſſembly have therefore ordered* That * * * Tobacco the ſaid *Buſhrod* do make preſent payment of the ſum of 3,224 lbs. of principall, well conditioned, ſweet ſented Tobacco, according to Act of Aſſembly & Caske out of his own Crop, made at his own plantation he dwells upon called *Eſſex Lodge*, The ſaid Tobacco being purchaſed by the ſaid *Trotte* at four pence *per* pound, And likewiſe that the ſaid *Buſhrod* pay unto the ſaid *Trotte*

Thirty-five

Thirty-five pound *Sterling* in tobacco, qualified according to Act at three halfe pence ℔ lb., And three hundred pound of Tobacco for Charge & Damages with Cofts of ſuit *als* Execution.

The ſuit Between Lef[t] Coll[o] *Miles Cary* & M[r] *John Brewer* in behalfe of the Inhabitants of *Stanly* hundred, plaintiffs & M[r] *John Harlowe*, Defend[t], in reſpect of the preterjudiciall bringing ye ſaid ſuite before ye Aſſembly & the ſaid *Harlowe* never ſumoned, is diſmiſſed.

April the 3d, 1658.

THE comittee appointed for manifeſtation of the countreys power did this day by order of the houſe preſent to the Governour the forme of the oath to be taken by him and the Councill, which by him was approved and a liſt of thoſe he deſired to be of his councill preſented by him to the houſe.

The Oath.

I doe ſweare that as Governour and Capt. Gen'll. of *Virginia*, I will, from time to time to the beſt of my vnderſtanding and conſcience deliver my opinion in all caſes for the good and wellfare of this plantation of *Virginia*, And I do alſo ſweare that as a minister of juſtice in *Virginia*, I will, to the beſt of my judgment and conſcience, do equall right and juſtice vnto all perſons in all cauſes when I ſhall bee therevnto called, according to the knowne laws of *England* or acts of Aſſembly which are or ſhall be in force for the time being without favour, affection, partiality or malice or any by reſpect whatſoever, Neither will I, directly or indirectly give councell or advice in any cauſe depending before me, So help me God.

The names of the Councellors nominated by the Governour and approved by the Houſe.

S: Coll. *Samuell Matthewes*, Eſq'r. Governour and Capt. Gen'll. of *Virginia*.
Richard Bennett, Coll. *John Weſt*,

S: Coll. *Wm. Claiborne*, Secretary of State,
Coll. *Hill*,
Coll. *Thomas Dew*,
S: Coll. *Wm. Bernard*,
Le'tt. Coll. *John Walker*,
S: Coll. *George Reade*,
Coll. *Abraham Wood*,
} Eſquires.

S: Coll. *Tho's. Pettus*,
S: Coll. *Obedience Robins*,
Capt. *Henry Perry*,

Coll. *John Carter*,
M[r] *Warham Horſmenden*,
Le't. Coll. *Anto Ellyotte*.

Theſe 3 laſt not to be ſworne vntill the diſſolution of the Aſſembly.

Theſe marked in the margent with the letter S: where then ſworne in the forme expreſſed, their titles onely changed.

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[From *Hening's* Statutes at Large, I, 505-516, and the *Virginia* Magazine of Hiſtory and Biography, VIII, 391.][1]

[Some of the Proceedings of the Houſe of Burgeſſes for the 1658/59 Seſſion.]

[*March* 1, 1658/59.]

THE Burgeſſes of the ſeveral counties being returned by the Sheriffes and this day makeing their appearance in the Houſe, there was by the vnanimous vote of all then preſent (being thirty in number) choſon, Coll. *Edward Hill*, Speaker, and being by them preſented to the Governour from him received approbation.

Whereas Coll. *Moore ffantleroy* not being preſent in the Houſe at the election of the Speaker moved againſt him as if clandeſtinely elected and taxed the Houſe of vnwarrantable proceedings therein, *It is ordered*, That the ſaid Coll. *ffantleroy* be ſuſpended vntill tomorrow morning, when vppon his ſubmiſſion he may be readmitted.

The Houſe adjourned vntill *Tueſday* morning.

March the 8th, 1658/9.

THE Houſe being mett, Coll. *Fantleroy* acknowledging his error, was re-admitted and the order for ſuſpenſion reverſed.

Orders for obſervation of good order in the Houſe being this day read are generally aſſented to and ordered to be recorded.

Orders in the Houſe.

1. That no Burgeſſe ſhall abſent himſelfe from attendance on the Houſe without leave firſt obteined (vnleſſe prevented by ſickneſſe) when any matter ſhall be debated of; But that every member ſhall keepe good order, and give due attention to the reading or debateing of whatſoever ſhall be propoſed or preſented to the conſideration of the Houſe: And that every Burgeſſe ſhall, with due reſpect, addreſſe himſelfe to M^r^ *Speaker* in a decent manner, And not entertaine any private diſcourſe, while the publique affairs are treated off.

2. That any member of this houſe for everie time of his abſence vpon call of the clerke ſhall forfeit twenty pounds of tobacco to be diſpoſed of by the major part of the houſe vpon every *Saturday* in the afternoon, lawfull impediments excepted.

3. That the firſt time any member of this houſe ſhall by the major part of the houſe [be] adjudged to be diſguiſed with overmuch drinke he ſhall forfeit one hundred pounds of tobacco, and for the ſecond time he ſhall be ſoe diſguiſed, he ſhall forfeit 300 of tob'o. and for the 3d offence 1000 lb. tobacco.

4. That vpon debate of any thing propoſed by the Speaker, The party that ſpeaketh ſhall riſe from his ſeate and be vncovered dureing the time he ſpeaketh, wherein no interruption ſhall be made vntill he have finiſhed his diſcourſe, vpon the penalty of one hundred pounds of tob'o.

5. That no irreverent or indigne forme of ſpeech be vttered in the Houſe by any perſon againſt another member of this Houſe, vpon the penalty of ffive hundred pounds of tobacco, The Houſe to be judge therein and the ſeverall ffines to be diſpoſed of by the Houſe as aboveſaid.

Coll.

[1] See the notes as to the ſource of the text of the 1654/55 ſeſſion and the 1657/58 ſeſſion.

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Coll. *John Sidney* was ordered by the Houſe to go to the Governour and requeſt the appointment of ſome of the Council to adminiſter the oath to the Burgeſſes, whereupon were ſent Coll. *William Claiborne*, Coll. *William Bernard* and Coll. *Thomas Dewe*, who adminiſtered the oath to the Burgeſſes in forme following.

The Oath.

You and every of you ſhall ſwear vpon the holy Evangeliſt and in the ſight of God to deliver your opinions faithfully, juſtly and honeſtly according to your beſt vnderſtanding and conſcience for the generall good and proſperity of this country and every perticular member thereof, And to do your vtmoſt endeavour to proſecute that without mingling with it any perticular intereſt of any perſon or perſons whatſoever, So helpe you God and the contents of this booke.

Poſt Meridiem.

COLL. *Collclough* and *Giles Webb* were ſent by the Houſe to acquaint the Governour's honour that the houſe attended his pleaſure; Who comeing in cauſed a letter directed to him and the councill to be read.

The Letter.

Duplicate.

Gentlemen, His late Highneſſe the Lord Protector, from that generall reſpect which he had to the good and ſafety of all the people of his dominion, Whether in theſe nations or in the *Engliſh* plantations abroad did extend his care to his collony in *Virginia*, The preſent condition and affaires whereof appearing vnder ſome vnſettlednes through the looſeneſs of the government, The ſupplying of that defect hath been taken into ſerious conſideration and ſome reſolutions paſt in order therevnto which we ſuppoſe would have been brought into act by this time if the Lord had continued life and health to his ſaid Highneſſe; but it hath pleaſed the Lord on *ffriday* the third of this moneth to take him out of the world, his ſaid highneſſe haveing in his life time according to the humble petition and advife appointed and declared the moſt noble and illuſtrious Lord, the Lord *Richard*, eldeſt ſonne to his late Highneſſe to be his ſucceſſor, who hath been accordingly with gennerall conſent and applauſe of all proclaimed protector of this Comon-Wealth of *England*, *Scotland* and *Ireland* and the dominions and territories therevnto belonging, And therefore wee have thought fitt to ſignifie the ſame vnto you, whom wee require according to your duty that you cauſe his ſaid highneſſe *Richard*, Lord Protector, forthwith to be proclaimed in all parts of your collony, And his Highneſſe Councill have thought fitt hereby to aſſure you that the ſettlement of that collony is not neglected and to lett you know that you may expect ſhortly to receive a more expreſſe teſtimony of his Highneſs care in that behalfe; till the further perfecting whereof, their Lordſhips do will and require you the preſent Governour and Councill there to apply yourſelves with all ſerioufneſs, faithfullneſſe and circumſpection to the peaceable and orderly management of the affaires of that collony according to ſuch good lawes and cuſtomes (not repugnant to the lawes of *England*) as have been heretofore vſed and exerciſed among you improveing your beſt endeavors, as for maintaining the civil peace, ſo for promoteing the intereſt of religion, wherein you will receive from hence all juſt countenance and encouragement, And if any perſon ſhall preſume by any vndue wayes to interrupt the quiet or hazard the ſafety of his Highneſſe people there, Order will be taken (vpon the repreſentation of ſuch proceedings) to make further proviſion for ſecureing of your peace in ſuch a way as ſhall be found meet and neceſſary, and for calling thoſe to a ſtrict acco't, who ſhall endeavour to diſturbe it.

Signed in the name and by the order of the Council,

Whitehall, 7th *September*, 1658. *He: Lawrence*, Preſid't.

Superſcription.

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Superſcription.

To the Governour and Councill of his Highneſſe Collony of Virginia.

The letter being read was propoſed whether the Houſe ſhould have time to debate on their acceptance and approbation of that letter.

Refolved they ſhould have time to conſider of it.

In reference to which the Governour and Councill departed and then was propoſed, whether the letter in that part that requires obedience to his Highneſſe *Richard*, Lord Protector, ſhould be aſſented to.

Refolved generally and vnanimouſly in the affirmative.

2. Whether the letter ſent be accepted as an authentique manifeſtation of their Lordſhips' intentions for the government of this countrey.

Voted—That wee owne the power and the whole contents thereof, After which the Houſe adjourned vntill *Wedneſday* morning.

March the 9th, 1658.

THE Houſe being mett, The Speaker declared the intentions of the Governor and Councill in tender care of the good of this country to aſſiſt the Aſſembly in makeing addreſſes to his Highneſſe for confirmation of the priviledge granted to the country in electing their own officers, in which the Houſe deſired to be ſatisfied from the Governour's owne expreſſions. In reference to which, M^{r} *Bacon*, M^{r} *Horſmenden*, L't. Coll. *Carter* and Capt. *Fowke* were ſent to deſire his honor to come to the Houſe and affirme it which accordingly he did as followeth, *viz^{t}* He acknowledged the ſupream power of electing officers to be by the preſent lawes reſident in the Grand Aſſembly, And that he would joyne his beſt aſſiſtance with the countrey in makeing an addreſſe to his Highneſſe for confirmation of their preſent priviledges, And that for this reaſon, That what was their priviledge now might be his or their poſterities hereafter.

The committee appointed to draw vp the addreſſes of the country to his Highneſs, to whom were added of the Councill, Coll. *Wm. Claiborne*, Coll. *John Walker*, Coll. *John Carter*, Capt. *Francis Willis*, M^{r} *Nathaniel Bacon*, M^{r} *Warham Horſmenden*.

The Committee for private Cauſes.

Le't Coll. *Edward Carter*, Coll. *John Sidney*, Coll. *Moore Fantleroy*, M^{r} *Henry Corbin*, Captain *George Jordan*, Major *Lemuel Maſon*.

The Comittee for review and regulation of the Acts, and to make Report of the inconveniencies or requiſite alterations.

Le't Coll *John Stringer*, Col. *Robert Pitte*, Capt. *William Whittacre*, Major *Joſeph Crowſhaw*, M^{r} *George Collclough*, M^{r} *William Blacke*.

William Parry tendring a petition to the Houſe for a reliefe to be allowed by the publique in regard of his loſſes by fire, age and impotency had his ſaid petition ejected.

Complaint being made to the Aſſembly by Le't Coll. *Miles Cary* and M^{r} *Henry Corben* two of the collectors of the impoſition of two ſhillings *per* hhd That *Thomas James*, maſter of the *Ant'o.* of *London*, *David Welldy*, maſter of the ſhipp belonging to *Southampton*, M^{r} *Henry Haines*, maſter of the *Robt.* Capt. *Peter Wraxall*, commander of the *Good Will*, M^{r} *Richard Sellacke*, maſter of the *Recovery* all of *Briſtoll*, M^{r} *Nicholas Smith*, comander of the *Dolphin* of *Amſterdam*, M^{r} *Samuell Groom*, commander of the *Dove*, And Capt. *Richard Huſbands*, comander of the *Recovery* of *London* refuſed to give caution for payment of the ſaid Levy according to the tenor of the act in that caſe provided: *It is ordered* that Warrants iſſue forth vnder the hands of the Governour and Speaker ffor the imediate perſonall appearance of the perſons aboveſaid before them and the Grand Aſſembly.

The Houſe adjourned vntill *Thurſday* morning.

March

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March the 10th, 1658.

WHEREAS certaine perſons of the county of *Surry* complained by petition, That one of their Burgeſſes was vnduely elected, and prayed, That M^r *Thomas Warren* might be admitted to implead the ſheriffe for his return, which being granted and the ſaid M^r *Warren* averring, That there was no fault in the ſherriffe, The election, returne and Burgeſſe were thereupon all approved.

It is ordered, That M^r *Henry Haines* ſtand comitted vntill he give bond with ſecurity for payment of the levy of two ſhillings *per* hhd.

The remaining part of this day and the eleaventh and twelveth being ſpent in ſeverall propoſitions and meſſages paſt between the Governour and Councill.

March the 13th, 1658.

COLL. *John Carter*, M^r *Warham Horſmonden* & Capt. *Francis Willis*, Capt. *Warner*, Le'tt. Coll. *Carter* were by the Houſe ſent to the Governor and Councill for their aſſent to the laſt propoſition concerning the eſtabliſhing the government.

The Governour and Councill's Anſwer to the Burgeſſes Propoſition.

To ſhew our deſire and complyance for the peace of the collony, wee ſhall conſent till the pleaſure of his Highneſs be further ſignified.

Wherevpon the propoſition was drawn vp into an act and ſigned by the Governour and Speaker and by beat of drum proclaimed.

Whereas Solomon Martin hath ſcandalouſly objected againſt Coll. *Wm. Bernard*, a Councellor of State, that he could make his ſervants ſwear what he would, *The Houſe hath comited* the ſaid *Martin* to priſon vntill *Monday* morning for his offence.

Whereas order for pattenting the land of the *Wiccacomoco* Indians in *Northumberland* county vpon the ſaid Indians deſerting the ſaid land was granted to the honourable *Samuel Mathewes*, Eſq. Governour, &c. the twenty-ſeaventh day of *November*, 1657, and confirmed by another order of the quarter court, dated the eleaventh of *March*, 1658, and that grounded vppon the deſire of the ſaid Indians to ſurrender the ſame to his honour, *The Aſſembly hath thought fitt* to ratifye the ſaid grants, and do hereby confirme the ſame, *Provided* that no intrenchment be made vpon any preceding rights of Coll. *Richard Lee*.

March the 15th, 1658.

PROPOSED, Whether Coll. *John Carter*, M^r *Warham Horſmonden* and Le'tt. Coll. *Anto. Elliott* ſhould, by vertue of their laſt election continue councellors or be referred to a further confirmation.

Reſolved that they ſhould be referred to a new election.

To the quere of the Governour and Councill referred to the conſideration of the Aſſembly, *March* the 11th, 1658, *in cauſa, Elizab: Perry vs. Thomas Davies*, After long ſuite judgment given, execution ſerved, A new ſuite is againe renewed by *Davis* in chancery, And then *Davis* appealing to the Aſſembly whether his appeale muſt be allowed, hee neither charging the court with error, injuſtice or partiality.

Upon the Petition of W^m *Daiues*, for admittance of his appeale, It is aſſented to by the houſe and a hearing granted.[1]

Vpon the petition of Coll. *Henry Browne* ſhewing, That he was impleaded by *John Jennings*, overſeer of the eſtate of *Robert Morſlay*, dec'd, to recover a debt without ground leaves which was made for tobacco then merchantable att the date of the bill, And

[1] This paragraph is in neither *Hening* nor the *Virginia* Magazine of Hiſtory and Biography, but is found in the original manuſcript.

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And *Surry* county court haveing granted an order for payment of the ſaid debt in tobacco cleer of ground leaves, according to the tenor of the act of Aſſembly now in force, *It is ordered*, That the order of *Surry* county court be reverſed; And that the ſaid *Jennings* forthwith repay vnto the ſaid Coll. *Browne* the overplus of the tobacco and caske received by vertue of the ſaid order of *Surry* court with coſts *als.* exec'on.

Upon the petition of *John Cuſtis* ſhewing his *Engliſh* deſcent, though of foreign birth & craveing this honourable Aſſembly to reſtore him to the freedom of his parents. *It is ordered* accordingly that a Commiſſion of Naturalizacon ſhall be granted him, he taking the oath of Fidelity to the Government.

Upon the petition of *Lambert Grooten* ſhewing his long reſidence and Reſolution of continuance in this Country craveing therefore a Comiſſion of Denization might be granted him. *It is ordered* therefore that he takeing his Oath of fidelity to the Government his Commiſſion for Denization ſhall be granted him.—P.N., 10.

John Abraham upon his petition hath obteined like conceſſion & order for his Denizacon.

Minor Dowdas upon his petition hath obteined like Grant & order for his Comiſſion of Denization as aboveſaid.—P. N., 12.

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APPENDIX.

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Appendix.

[From a manuſcript in the Library of Congreſs. MS. Rec. *Virginia* Co., III, pt. 11, p. 49.]

[Law Againſt Improper Contracts of Marriage.]

WHEREAS to the great contempt of the Ma^tie of God and ill example to others, certain women within this Colony have of late contrary to the Lawes eccleſiaſticall of the Realme of *England* contracted themſelves to two ſeverall men at one time, whereby much troble doth growe betweene parties; and the Governo^r and Counſell of Eſtate, thereby much diſquieted: To p̄vent the like offence in others hereafter, *It is by the Governo^r & Counſell ordered in Court*, that every Miniſter give notice in his Church to his pariſhoners, that what man or woman ſoever ſhall hereafter uſe any worde or ſpeech tending to a contract of Mariag vnto two ſeverall p̄ſons at one time (though not p̄ciſe and legall yet ſo as may intangle and breed ſtrugle in their Conſciences) ſhall for ſuch their offence vnd^rgo either corporall puniſhm^t (as whippinge &c) or other puniſhm^t by fyne, or otherwiſe, according to the qualitie of the p̄ſon ſo offending. Given at *James Ciltie* this 24th of *June* 1624.

[From a manuſcript[1] in the Library of Congreſs.]

[Letter from the Governor and Council of *Virginia*.]

To *Henry* Vicount *Mandeville*

Right Hono^ble

IT hath pleaſed his moſte gratious Ma^tie to direct his Royall Lres to y^e Gou^rnor Councell & Colony of *Virginia*, ſignifying his pleaſure to take the Comodity of Tobacco to his owne imediate uſe, & requiring that we ſhould here contract w^th the Burgeſſes of the ſev^rall Plantations for the ſame on his behalf, togeather w^th inſtructions to that purpoſe from the atturny gen^rall, whereunto may it pleaſe yo^r Lo^p in all humblenes of duty wee have returned our anſweare (as we were required) [in?] our Petitions & gen^rall declarations ſent in theſe ſhips, Humbly ſhewing vnto his Highneſs, the great p̄iudice that this Colony hath receaved by div^rs contracts made wholy w^thout our conſents or privity, & ſett on foote by avaritious and unconſcionable men intending their owne private lucre & gaine, in the ſnares whereof we have continu[ally?] for the 6 yeares beene entangled & miſerably p̄plexed; to the gen^rall diſcouragement of all men, & hinderance of the proceedings of this Plantation, w^ch otherwiſe would [have?] manifeſted better effects of more ſtaple comodities ſoe long expected of us, for the p̄fecting whereof, wee are diſabled by our pou^rty, whileſt our affaires remaine [unſecure?] & uncertaine, & we in feare to be made ſlaves to thoſe men from whoſe * * * & wide conſciences wee expect noe mercy. But ſince all form^r contracts are [diſſolved?] & that his Ma^tie hath beene pleaſed to extend his Princely care for the eſtabliſhment [of?] this Colonie, w^ch w^thout the ſupportation of his Royall hand muſt neceſſarily ſincke Wee have regained new hopes to our diſparing minds in aſſured confidance that all factions ſilenced, & the private intentions of others p̄vented, our iuſt Petitions [will?] receave a favorable admittance

[1] This manuſcript is in a very poor ſtate of preſervation, the edges being conſiderably frayed and the writing in places indiſtinct. Where poſſible the omiſſions of the text have been ſupplied, conjecturally, in brackets; and where conjecture failed, aſterisks have been inſerted.

This note applies, alſo, to moſt of the other Library of Congreſs manuſcripts printed in this Appendix.

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admittance & hearing; In the wᶜʰ wee the gouʳnoʳ & [Councill?] in the name of the whole Colony doe implore the continuance of yoʳ [Lorᵖᵖˢ favour?] towards vs, that as heretofore yoʳ Loᵖᵖ hath beene the greateſt meanes [to protect us from?] thes formʳ contracts, for wᶜʰ wee returne our humbleſt thanks vnto yoʳ [Lorᵖᵖ, wee hope that?] now againe by yoʳ iuſtice & goodneſs wee may be pʳtected againſt [the extortions?] and avariſe of thoſe men, who have beene ſo thirſty of our miſery & ruine; Wee rather deſiringe to become ſeruants vnto his Maᵗˡᵉ by the proffitt of our labours, then vnto ones that ſhould vnderhand contract for the ſame; Thus wiſhing vnto yoʳ Honoʳ all increaſe of goodneſs & iñortall happines we reſt

Virginia the 30th of *March* 1628.

Att yoʳ Lᵖᵖˢ Coñaund
ffrancis Weſt

John Pott
Sam Mathewes
Roger Smyth
William Claibourne
William Tucker

[From a manuſcript in the Library of Congreſs.]

[Letter from the Governor and Council of *Virginia*.]

To *Edw:* Earle of *Dorſett*

Right Honoᴺᵉ

MAY it pleaſe yoʳ Honoʳ to accept from vs the gouʳnoʳ Councell & Colony of *Virginia* the humble acknowledgmᵗ of our thankfullnes for yoʳ Loᵖᵖˢ continuall favour towards vs, and this Plantation wᶜʰ as it hath euʳ appeared by yoʳ noble inclination to advaunce the pʳceedings thereof, ſoe more pʳticularly by ouʳthrowing thoſe late contracts on our Tobacco, intended & made wᵗʰout our conſents, to the diſannuling whereof yoʳ Loᵖ gave the furtherance & power that pʳduced ſoe good an effect, wᶜʰ otherwiſe had tended to our miſery & ruyne, Wherefore wee are againe invited to imbolden ourſelues on yoʳ wonted goodnes & iuſtice, by wᶜʰ we deſire to be protected againſt thes harmes, & implore the Continuance of yoʳ honoᵇˡᵉ favour to this Colony, now againe enſnared in the ſame toyles, & likely to ſuffer extreame ꝓiudice by new contracts, wᶜʰ wee feare are proiected by thoſe men, whoſe ends are their private gaines & lucre, and not the pʳffit of his Maᵗˡᵉ or the welfare of this State, Wee haue receaved his Maᵗˡᵉˢ moſte gratious Letters & Inſtructions from Sʳ *Robert Heath* Attorny Genʳall concerning the ſame, & by our publique declarations (according as wee are required) haue returned our humble anſweare vnto his Highnes: And wee hope his Royall Maᵗˡᵉ wilbe pleaſed gratiouſly to heare our iuſt Petitions to our relief & eſtabliſhmᵗ, & put an end to theſe long troubles, whereby our affaires haue beene exceedingly ꝑplexed, In the wᶜʰ wee humble begg yoʳ Loᵖᵖˢ meadiations & Councells, Thus praying for yoʳ Honoʳˢ welfare & felicity wee reſt

Att yoʳ Coñaund
ffrancis Weſt

John Pott
Samuel Mathewes
Roger Smyth
William Claybourne
Willm Tucker

Virginia the 30th of *March* 1628.

[From

[From a manuſcript in the Library of Congreſs.]

[Letter from the Governor and Council of *Virginia*.]

To My L^d. *Laware.*

Right Hono^ble

MAY it pleaſe yo^r Hono^r to accept from *Virginia* the acknowledgm^t of thoſe reſpects that this Colony oweth and offereth vnto yo^r Lo^pp, ꝑſuading ourſelves that thoſe noble inclinations are hereditary in yo^r minde, w^ch were in the thoughts and intentions of yo^r hono^ble Father, whoe gave beginning advance and whileſt he lived ſupportation to this Plantation and ſince his death, how endeared hath his memory beene to our harts, it being apparent vnto vs [what?] great ſufferers we were in his loſſe, by whoſe patronage we hoped for defence againſt thoſe harmes, w^ch ſince have well nighe ou^rwhelmed vs, & in ꝑticular thoſe ꝑnicious contracts w^ch ſo often for thoſe 6 yeares have beene contin[ually?] intended & made on our Tobacco w^thout our knowledge or privity: We have now in aſſurance of yo^r favour, & confidence of yo^r noble minde imboldened ourſelves to implore yo^r Lo^pps favoure, that you would be pleaſed to Patronize our iuſt cauſe, and that our Petitions and general declarations to his moſt ſacred Ma^tie may be gratiouſly accepted, and that none may contract on our goods [without?] our conſente, vpon ſuch vnreaſonable tearmes & conditions as draw w^th them imediate ruyne & diſtruction of this Colony:

Thus wiſhing unto yo^r Lo^pp all increaſe of Hono^r & felicity, wee reſt
Virginia the 30th of *March* 1628

Devoted to yo^r Lōpps ſervice.
ffrancis Weſt

John Pott
Samuell Mathewes,
Roger Smyth.
William Claybourne
William Tucker.

[From the *Bancroft* Tranſcripts, *New York* Public Library, III, 575-578.]

[Memorial in Reference to Tobacco.]

Firſt, that his Ma^tie would be graciouſlie pleaſed to cauſe ſome care to be had for the ſupplanting of *Engliſh* Tobacco, w^ch I conceive may beſt be effected by an Act of Parliam^t, ſeing that notw^thſtandinge his Ma^ties Proclamacons forbidding the planting thereof, it is planted much more then formerlie in divers partes of this kingdome whereby his Ma^ties plantacons abroad are like in ſhort tyme to be deſerted, and utterlie diſabled from planting many uſefull & advantageable comodities for the benefitt of *England*, as hemp & flax for cordage, linnen, iron, vines, ſilke, & other ſtaple comodities w^ch the fertilenes of *Virginia* undoubtedlie in ſhort tyme w^th the care and induſtrie of his Ma^ties people there may produce. Beſides the *Engliſh* Tobacco doth greatly hinder the ſale of *Virginia* in theis partes, w^ch cauſeth his Ma^ties ſubjectes in *Virginia* & the adventurers thither, to ſeeke other forraine Marketes, whereby his Ma^ties cuſtomes from thence are like to be daylie impayred, this preſent yeare amounting to fifteene thouſand pounds from *Virginia* onely in all likelihood the next yeare will hardlie render halfe the profitt. This preſent yeare an eſtimate is made that three hundred thouſand waight of tobacco hath been planted in *England*, and it is thought the next yeare will produce here as much more if it be not hindered by ſtrong hand.

Next, whereas it was ordered by the Lords, that the Governo^r of *Virginia* ſhould there take bond of all Maſters of Shipps to bring into *England* all ſuch comodities as they doe lade there, that *England* might be the onely ſtaple of that place, that his Ma^tie might

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might not looſe his benefitt thereby: it were much better that bond might be taken here in *England* and alſoe in *Ireland* of all ſuch ſhipps as lade hence for thoſe partes ſeing the Governo^{r} is not to permitt trade there wth any forrayners and by this meanes it will be manifeſt by their Corkettes.

Endorſed by Secretary *Dorcheſter*, "The Government of *Virginia*'s Memorial."

[From a manuſcript in the Library of Congreſs.]

[Letter from the Governor and Council in *Virginia* to the Privy Council in *England*.]

Right Hon^{ble}

Wee cannot but acknowledge the great goodnes of God, that hath ſtirred vpp the hart of his moſt excellent Ma^{tie} gratiouſlie to reflect his royall Eye vppon this Colony to eſtabliſh it to a new life, from the lowe declention wherunto it was fallen, And wee earneſtlie deſire yo^{r} honors, to preſent our moſt humble Thankes vnto his moſt Sacred Ma^{tie} And wee cannot but acknowledge the hand of heauen alſo, that hath not ſuffered, the zeale of this plantation, to die out of the boſoms of yo^{r}, Right Honable, beinge the perſonages that ſoe nobly haue given, beginninge, Supportation & p^{r}greſs vnto it, whereby wee hope after ſoe longe a tyme, wherein nothinge hath beene begotten, from hence, but one of the moſt vnneceſſarie Comodities, nowe at length to manifeſt ſome better fruites of ſoe great expence of men and money waſted and conſumed on itt, wee haue latelie ſumoned an aſſembly, wherein wee haue contineued longe togeather in Conſultation of all ſuch orders as we haue thought moſt neceſſarye for the preſent Gouernm^{t} heere, of w^{ch} wee haue ſent yo^{r} the Coppies beſeechinge yo^{r} Lor^{pps} approbation, and favorable interpretation, to our good intentions, eſpecially to thoſe thinges, wherein wee haue anything fayled, or p^{r}ceeded to farr, to regulate thoſe matters, w^{ch} wee would otherwiſe haue left vntouched, had not the neceſſitie of the tyme required itt, that is, the ſtate of the Church affayres, wee wilbe bould to informe yo^{r} Lor^{pps} that wth a moſt vnanimous Conſent, both of the Gouerno^{r}, and Counſell & all the Burgiſſes, thoſe ordinances and lawes were firmelie eſtabliſhed, and wee hope that the publique ſervice hath ſoe vnited our mynds that noe privat reſpects will diſioyne or divert o^{r} harts and intentions, yf any error haue ouertaken our weake abilities not Converſaunt in ſuch affayres, wee deſire nothinge more, then to be reſtored, to the right pathes, but it was neceſſarie to Comprehend in our bodie all ſuch p^{r}ticular orders, as this Colony requires, diverſified from the preſident of other Comonwealthes, And wee deſire that Act w^{ch} ſetts the price of our Tobacco at 6^{d} p^{r} lb. may not be thought ſtrange, of w^{ch} to give yo^{w} the motiues would make theſe tedious, And in part the Aſſemblye haue given yo^{w} the reaſon, and ſome of the Comiſſioners can informe yo^{w} of former preſidents, heere in that kind, and wee are ſure that no evills can enſue of ſoe great preſjudice, as the want of ſuch an order hath now brought vppon vs, By the former ſhipps, our letters haue p^{r}ticularlie informed yo^{r} Lor^{pps}, of the moſt neceſſarie poynts, w^{ch} wee now agayne beeſeech yo^{w} may rather obtayne Creditt then any ſiniſter informations our p^{r}iects ſuggeſted vnto yo^{w} by vnexperienced men, Leade often tymes wth priuate reſpects for o^{r} parts we ſhall ſubmitt to yo^{r} hon^{rs} direccons rather wiſhinge that the moſt neceſſarie workes, may be fixed on, And thoſe w^{ch} are to be firſt in order of tyme, then by imbraceinge many to fayle in all, Aboue all wee wiſh that good and godlie mynifters would repayre vnto us, And that numbers of people may be ſent, In multitudes of hands Conſiſts ſtrength, And the difficultie of groſſe workes will not otherwiſe be vanquiſhed, They neede not doubt in p^{r}viſion of victualls eſpecially yf any price be giuen vnto vs for our Corne, And wee will endeavour to

to receiue them w^th^ all good accomodations, Tradeſmen are wantinge, eſpecially Shipwrites, Smythes, Carpenters, Tanners, Leatherdreſſers, Hempdreſſers, And Brickmakers, and Bricklayers for now wee intend our houſes for decencye and Comoditie This incloſed abſtract of the muſter, will giue light to a generall vewe That there may be nothinge wantinge to yeald yo^r^ full ſatisfaction. Of Iron Oare Capt. *Tucker* hath taken in ſome quantitie from a place adioyninge neere vnto vs, and as wee Conceaue fitt to ſett vpp a worke, whereas helpe will be readie at hand, yf it proue good, but want of men that Can Judge of the myne, & inſtruct vs in digginge [for it?] is the Cauſe that there hath beene none p^r^vided from the fallinge Creeke, yf any undertake this worke they ſhall be ſure of our Corne and hog ffleſh, and Beife at as Cheape rates as in *England*, wee haue ſent the Tranſcript of our p^r^ceedinges, about S^r^ *Samuell Argolls* Catle, belonginge to M^r^ *Woodall*, And beeſeech yo^r^ hon^rs^ finall decree in the Cauſe eſpecially in the land called the Gouerno^rs^ land *Southampton* hundred Cattle now after the deviſion of S^r^ *Samuell Argolls* ſtocke are about 120 head, and theire numbers increaſinge, It will be needfull, it will be needfull the owners ſhould take order, how and where they ſhould bee kept, *Martins* hundred Cattle wholly perteyneth to S^r^ *Samuell Argoll*, * * * * the ſmall remaynes of them are reſtored, *Barkley* hundred Catle are much encreaſed, & the better part of them found belonginge to thoſe adventurers * * *. A third of them to S^r^ *Samuell Argoll*, Wee further pray to be directed concerninge the lands and devidents heere that a firme eſtabliſhm^t^ may bee made, otherwiſe aftertymes in the Groath of the Colony will taſt the bitter fruit of diſſention and not eaſilie finde remedie, The generall hundreds be vnplanted and vnſupplyed, as likewiſe many planters devidents, who are dead and no heires to be heard of, w^ch^ will in ſhort tyme, cauſe vs almoſt to leave this river & goe to free places, wherefore wee thinke it were a leſs miſcheife, that yf they plant them not in Convenient tymes, others may take them, and they to chooſe theire devidents elſewhere, Soe ſhould wee not vnneceſſarilie ſtragle, in ſoe diſioyned parties, The rents alſo reſerved one [on] the patents ſhould nowe be demaunded, w^th^ the arrerages but wee deſire yo^r^ hon^rs^ inſtructions for it, And in the reſt wee referr you to the Burgeſſes Ltes, The planters are carryed w^th^ a great forwardnes to ſeeke Trade abroad, to w^ch^ purpoſe wee haue now 7 or 8 pinnaces & Barques, bound to *New England* and the Northward, In ſhort tyme wee ſhall looke further of, therefore deſire that no impedimn^t^ may be put to hinder our free trade, where o^r^ comodities except our Tobacco will find beſt vent, wee haue thought good to p̄mitt ſome to goe to the *Dutch* plantation to furniſh our ſelves w^th^ horſes, Aſſinicoes, ſheepe, and aboue all *Engliſh* Grayne, of w^ch^ haueinge ſeed, wee hope it will, appeare, wee ſhall abound in as full apportion thereof, as now wee doe of Indian Corne, And hereby wee ſhall be the better acquaynted, w^th^ theire trade, and manner of ſubſiſtance, who haue ſo wrongfully intruded vppon our territories, In reſpect whereof wee pray to be directed, vppon what termes wee ſhall ſtand w^th^ them of which wee moſt humbly deſire to be reſolved, and in the interim wee will be carefull to obſerue yo^r^ hon^rbl^e directions and euer remayne

Yo^r^ Lorpps moſt humbly devoted

March 1631

John Harvey
John Weſt
Samuell Mathewes
Willm Clayborne
Wm. ffarrar
Henry ffinch
Rich Stephens
Nath Baſſe
John Utye
Thomas Purifie
W^m^ Peirce

[From

[From the *Bancroft* Tranſcripts, *New York* Public Library, IV, 419-420.]

[The 20th Act of the Grand Aſſembly of 1636/37.]

At a Grand Aſſembly holden at *James Cittie* the 20th of *February* 1636.

Preſent
Sir *John Harvey* Knight, Govern^r &
M^r *Richard Kemp*, Secretary &
Serjeant Major *George Donne*.
Capt: *Thomas Purifye*
Capt: *Henery Browne*
Capt: *John Hobſon*
Capt: *Adam Thorowgood*.
M^r *William Brocas*.

Togither w^th the Burgeſſes names.

BE yt alſo Enacted that there be an Office erected and an Officer appointed by the Gov^r and Counſell who ſhall keepe Regiſter of all the Tobacco, and other Commodityes exported And that his Fee and allowance be two pence ℔ cask for the Tobacco, and after the ſame rate for other goods, w^ch is to be payd unto the ſayd officer by the Maſters of Shipps when they bring in their Invoices to the Office, and to be repayed by the Owners of the goods before the deliverye of them

Extrahit^r, et Examin ℔ me

Rich Kemp, Secret:

[From the *Bancroft* Tranſcripts, *New York* Public Library, V, 1-5.]

[Letter from Secretary *Richard Kemp* to Sir *Francis Windebanke*, dated *April* 6, 1638.]

Right Hono^ble

Yo^r may pleaſe herew^th to receive my humble tender of the Acts and the whole proceedings paſſed in writing this laſt Aſſembly. When I firſt declared the Kings Propoſitions to them (according as my deutye injoyned mee) I urged theire deutye, together w^th the neceſſitye of theire yeilding to them, by inſtancing how farr theire povertye had growen and increaſed upon them by the continuation of theire exceſſive planting of theire Tobaccoes, having noe conſideration eyther to Commodityes of more worthy conſequence, or what is greater in Providence to the meanes of ſubſiſtance, inferring from thence the benefitt of a Contract w^ch might afford them a larger proffitt, as alſo more tyme and Vacancye to attend more noble Indeavors. What wee could winn upon them by all poſſible meanes wee could uſe, theire Anſwere in its naturall colours w^thowt alteration preſented will informe.

Nor doe I conceive (under yo^r Hon^rs favour) a Contract will ever be brought to effect if it dependes upon the yeilding of an Aſſembly. And if it paſſe otherwyſe w^thowt obliging all other *Engliſh* Plantations I may juſtly alſo feare the Ruine & unpeopling of the Colonye.

I beſeech yo^r Hono^r to give me leave, owt of my deutye, to informe the more generall voyce of the people heere. They are of late more then heretofore given to affect good buildings, ſcarce any Inhabitant but hath his garden and Orchard planted.

Few there are but indeavour the raiſing of Stocks of Cattell or Hoggs or both, w^th much labour and paines, conſidering the neighbourhood of the Salvages, who are ever awake to miſcheifs and injuryes of ſpoile, even in the ſtreightteſt time of peace.

Yf

Yf (fay they) ou^r Tobaccoe from whence wee yett fetch ou^r Maintenance muſt fall into a Contract, all ſhipping will defert us, excepting ſome few belonging to the Contractors, where is then the Incouragement to the breeding of Cattell or Hoggs when the meanes whereby to vent them is abridged us. And what is worſe in conſequence, the Collonye will in ſhort tyme melt to nothing for want of ſupplyes in people, for of the hundred w^ch are yearely tranſported, ſcarce any but are brought in as Merchandize to make ſale of, nor can the Planters generally better provide, when this yeare they cannot promiſe to themſelves abilitye to purchaſe a ſervant the next yeare, nor untill theire Crops of Tobaccoe be taken downe. Thus farr, from my deutye to the ſervice, w^ch I humbly ſubmitt to yo^r Hono^rs better Iudgment. Reſting

Yo^r Hono^rs humbly to ſerve yo^w

Richard Kemp.

Point Comfort
this 6th of *April* 1638.

(Indorſed)

"To the Right Hono^ble
Sr. *Francis Windebank* Knight Principall Secretary to his Ma^tie theſe preſent"

[From *Hening's* Statutes at Large, I, 382, 383.]

[Bill of Sale of the ſhip *Leopoldus* to *Walter Chiles*.]

WHEREAS the ſhip *Leopoldus* of *Dunkirk* hath by the grand aſſembly of this country been adjudged fforfeit and accordingly confiſcated according to the act of parliament for increaſe of navigation, *Now know all men to whom theſe preſents ſhall come* that we the ſubſcribers authorized by the ſaid Grand Aſſembly do ffor and in conſideration of the ſume of four hundred pounds *ſterling* paid by Ltt. Coll. *Walter Chiles* of this colony for the uſe of this colony before the ſealing and delivery hereof acquit and diſcharge him, give, grant, bargain, ſell aſſigne and ſet over the ſaid ſhip named *Leopoldus* about the burthen of three hundred tuns with her guns, tackle, apparel and ffurniture and whatſoever belongeth or appertaineth to the ſaid ſhip unto the ſaid Leiut. Coll. *Chiles*, his heirs and aſſigns for ever, To have and to hold the ſaid ſhip with all her ſaid guns, tackle, apparel and ffurniture to him the [ſaid] *Walter Chiles*, his heirs, and aſſigns for ever without any let, hinderance, moleſtation or diſturbance of any perſon or perſons whatſoever claiming any right, title or intereſt to the ſaid ſhip in the behalf of this colony or the commonwealth of *England*, We hereby in the behalf of the Grand Aſſembly warranting the ſame unto the ſaid Lieut. Coll. *Walter Chiles*, his heirs, ex'rs. adminiſtrators, *In witneſs whereof* we have hereunto ſet our hands and ſeals and cauſed this our act to be regiſter'd in the records of this colony of *Virginia* the twelveth of *July*, 1653.

Ri. Bennett, Seal.

Wm. Whitby Speaker of the Houſe of Burgeſſes.

In preſentia mea,

Wm. Clayborne, Sec.
Geo. ffletcher.
Robt. Huberd.
John Corker, Cl. to the Houſe of Burgeſſes.

[From

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[From the Public Record Office, *London*. S. P. Domeſtic Interregnum I, 75. pp. 27-28.]

[Letter from *Henry Lawrence*, Lord Preſident, and Council of State to the Governor and General Aſſembly of *Virginia*.]

Saturday 31th *Decembr* 1653 afternoone.

Mr *Lawrence* Lo: Prt	*M: G: Deſbrow.*	Sr *A: A: Cooper*
Mr *Strickland.*	Col: *Sydenham.*	Col *Jones.*
Col *Mountagu*	Sr *Cha: Wolſley.*	

Lord Protector preſent.

* *

A Letter prepared for the Governor and Generall Aſſembly of *Virginia* was now read and approved of.

To the Governor and Generall Aſſembly of the Engliſh *Plantation of* Virginia.

Gentlemen.

Colonell *Mathews* the Agent for *Virginia*, hath diligently attended the diſpatch of ſome buſineſſes referring to the peace and ſetlement of that Colony, The perfecting whereof hath beene obſtructed by the many publique affaires here depending. And now it haveing pleaſed God (who is the great diſpoſer of all humane occurrencies) in his great wiſedome, and according to the Councell of his owne will, to alter the Government of this Comonwealth, by intruſting the ſame unto a Lord Protector and Succeſſive Trienniall Parlaments. And *Oliver Cromwell* Captayne Generall of all the forces of this Comonwealth, being declared the preſent Lord Protector thereof, (as you may perceive by the platforme of government herewth ſent you, and the proclamation thereunto annexed, which you are forthwith after receipt hereof, to Cauſe to be publiſhed) addreſs hath been made unto his Highnes by Colonell *Mathews* petition, for the determining of thoſe matters, which have ſo long depended. Whereupon his Highnes hath been pleaſed, to put into an effectuall way the ſpeedy reſolution of thoſe queſtions, betwixt the Lord *Baltimore* and the Inhabitants of *Virginia*, concerning the bounds by them reſpectively claymed, And hath alſo declared his Intention, with the moſt convenient ſpeed to ſettle the government, and other Concernmts of that plantation, in Such a way as may be for the benefit and ſecurity of the Inhabitants, and render it moſt ſerviceable to the Comon intereſt, & honour of the Comonwealth, wherein you may receive his Highnes particular determination in due tyme. In the interim his Highnes hath thought fit to ſignifie to you by his Councell, (as he hereby doth) That the ſafety, protection and welfare, of that plantation, (as well as the reſt) is under his ſerious thoughts, and Care. And to the intent it may not ſuffer any Inconvenience by the unfixtdnes of the governmt His Highnes hath thought fitt to Continue Colonell *Bennet* (of whom his Highnes hath received a good Character) in execution of the place of Governor, till his Highnes ſhall further ſignifie his pleaſure in that behalfe, which you may in probability expect by the next Ships. And till ſuch his further pleaſure be declared, his Highnes and the Councell recomend it to you, that the publique peace of the plantation be diligently attended. That Love be cheriſhed, and the great Intereſt of Religion be owned and Countenanced, whereby you will ingage Gods Care over you, who alone can make yor affaires proſperous, and more oblige this State tenderly to improve their oportunityes for yor protection, and encouragement.

Signed in the Name and by order of his Highnes and the Councell.

He: Lawrence Prt.

Whitehall 4th *Janur* 1653 [1653/54.]

[S.

[S. P. Domeſtic Interregnum I. 78, p. 358.]

[Order of the Council of State, dated *December* 18, 1657, in reference to appointment of a Governor of *Virginia*.]

Friday 18th of *Decembr* 1657.

Lord Viſc[t] *Liſle* in y[e] chaire.	Lord *Strickland*
E. of *Mulgrave*	Maio[r] Gen[ll] *Skippon*
Lo. *fleetwood*	M[r] *Comptroller*
S[r] *Charles Wolſeley*	M[r] *Secretary*

* *

COLONELL[1] *Sydenham* repreſents from the Coñittee of the Councell for *Jamaica*, to whom the report from the Coñittee for his Highneſs in *America*, concerning *Virginia* was referred, That by the ſaid report, and a paper thereunto annexed, and ſigned by ſeverall Merchants, tradeing to *Virginia*, the Governm[t] of *Virginia* is ſet forth, to have beene a long tyme unſettled, by reaſon whereof, and for want of ſufficient Coñiſſions and authorityes from hence the hopefull improvem[t] there receive noe advance, or encouragem[t] whereupon the ſaid Coñittee for *America*, doe propoſe it as neceſſary, That ſome fit perſon be ſent thither by his Highneſs, as Governo[r] and doe nominate M[r] *Edward Diggs* in that behalfe, as one that would ſatisfie all partyes and Intereſts among them, and deſire that (the laſt Ships of this yeare being forthwith to goe away thither) his Highneſs will at leaſt nominate a Governo[r], that the Country may have Intelligence thereof, and the minds of all concerned, may be the better ſatisfied. *Ordered*, That it be offered to his Highneſs as the advice of the Councell, that his Highneſs will pleaſe to nominate ſuch a perſon to be Governo[r] of *Virginia* as His Highneſs ſhall think fit.

[From *Hening*'s Statutes at Large, I, 431-432.]

[Order of the Grand Aſſembly of *March* 1657/58 naming the Governor and Council of *Virginia*.]

Whereas it appeares by act of Aſſembly held at *James Cittie* in *May*, 1652, That it was agreed vpon and thought beſt by the then comiſſioners for the parliament, and the Burgeſſes of the then aſſembly, That the right of election of all officers of this collony ſhould be and appertaine to the Burgeſſes, the repreſentatives of the people, *Now know yee*, That wee the preſent Burgeſſes of this Grand Aſſembly have accordingly conſtituted and ordained the ſeverall perſons vnder written to be the Governour, Councill & comiſſioners of this country of *Virginia* vntil the next Aſſembly or vntill the further pleaſure of the ſupreame power in *England* ſhall be knowne.

The Honourable *Samuel Matthewes*, Eſq'r,
Governour and Captain Generall of *Virginia*.
Richard Bennett, Eſquire.

Coll. *Wm. Claiborne*, Secretarie of State.

Coll. *John Weſt*,	Lev't. Coll. *John* [*Walker*]
Coll. *Thomas Pettus*,	Coll. *George* [*Reade*]
Coll. *William Bernard*,	Coll. *Abraham Wood*,
Coll. *Thomas Dew*,	Coll. *John Carter*,
Coll. *Obedience Robins*,	M[r] *War'm. Horſmenden*,
Capt. *Henry Perrie*,	Lt. Coll. *Anthony Elliotte*.

Theiſe three laſt not to be ſworne vntill the deſolution of the Aſſembly.

[From

[1] In the margin of the page on which this entry is written, juſt oppoſite the firſt line of the entry, the following appears: "dd [that is, delivered] M[r] *Nulley*. 21. concerning *Virginia*."

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[From the Public Record Office, *London*. S. P. Domeſtic, Interregnum I, 78, pp. 817-818.]

[Order of the Council of State, dated *Auguſt* 31, 1658, in reſpect to *Virginia* Affairs.]

Tueſday 31. *Auguſt* 1658.

Lord Preſt *Lawrence*	Lord *Strickland*
Lo: Viſc[t] *Liſle*	Lo: *Jones*
Lo: *Sydenham*	Lo: *Wolſeley*
Lo: *Diſbrow*	Lo: *Fleetwood*
M[r] *Secretary*	

. . . . . .

ON[e] reading the humble petiᶜon of diverſe Merchants, & Planters of his Highneſs Colony of *Virginia*, ſhowing the looſe, & diſtracted condiᶜon of that Colony, and the inconvenience that may enſue if y[e] ſhips now goeing ſhould depart without ſome Declaration concerning the ſettleing of the governm[t] there, and praying, that y[e] Councells pleaſure may be ſignified to the preſent Governo[r], and Councell, to apply themſelves with all poſſible Care, & circumſpeᶜion to the peaceable, & orderly mannagem[t] of the affaires thereof; as alſoe of the Draught of a Letter prepared according to the Teno[r] of the ſaid deſire. *Ordered*, That a Letter be ſent to the preſent Governo[r] & Councell of *Virginia*, to the purport of that now read, The ſame being as followeth, *viz*[t]

Gentlemen[1]

His Highneſs the Lord Protector, from that generall reſpect, w[ch] he hath to the good, & ſafety of all the people of his Dominions, whether in theſe Nations, or in the *Engliſh* Plantaᶜons abroad, hath extended his Care to his Colony in *Virginia*; The preſent Condiᶜon, and affaires whereof appearing under ſome unſtedineſs through the looſeneſs of the governm[t], The ſupplying of that defect hath beene taken into ſerious Conſideraᶜon, and ſome reſolutions paſſed in order thereunto; which Wee ſuppoſe will be brought into act, ſoe ſoone as his Highneſs (amidſt his many great affaires, and concernm[ts]) ſhall have an opportunity; In the meane tyme, his Highneſs Councell have thought fit hereby to aſſure you, that the ſettlement of that Colony is not neglected, and to let you know, that you may expect ſhortly to receive a more expreſs teſtimony of his Highneſs Care in that behalfe; Till the further ℞fecting whereof, Their Lord[ps] doe will, and require you, the preſent Governo[r] & Councell there, to apply yo[r] ſelves with all ſerioufneſs, faithfulneſs, & circumſpeᶜion to the peaceable & orderly mannagem[t] of the affaires of that Colony, according to ſuch good Lawes, & Cuſtomes (not repugnant to the Lawes of *England*, as have beene heretofore uſed, & exerciſed among you; improveing yo[r] beſt endeavo[rs], as for maynteyning the civill peace, ſoe for promoteing the Intereſt of Religion, wherein you will receive from hence all juſt Countenance, & encouragem[t] And if any perſon ſhall preſume, by any undue wayes to interrupt the quiet, or hazard the ſafety of his Highneſs people there, order will be taken (upon the repreſentaᶜon of ſuch proceedings) to make further proviſion, for ſecureing of yo[r] peace, in ſuch a way as ſhall be found meet, & neceſſary; and for calling thoſe to a ſtricᵗ accompt, who ſhall endeavo[r] to diſturb it.

Signed in y[e] Name & by order
of the Councell
He: Lawrence Preſ[t]

Whitehall—
31 *Aug:* 1658.

[From

[1] In the margin of the page on which this entry appears, oppoſite the firſt line, is written the following: "V[e] [Vide] y[e] lre [letter] foll. concerning the merchants of *Virginia*." The letter referred to does not ſeem to have been preſerved.

[2] In the margin appears the following: "V[e] another Lre Sep. this being vacatted by his H. Death." The letter finally ſent is printed on page 115 of this volume.

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[From the *Virginia* Magazine of Hiſtory and Biography, VIII, 396, 397.]

[Several Orders[1] of the *March* 1660/61 Aſſembly.]

IN regard that Collonel *Manwaring Hammond* doth not proceed on his voyage by reaſon of ye Governors Comand impoſed on him to the contrary, *It is ordered*, That ye Tobacco allreadie paid ſhall remain to his uſe, But that ye order for the Eleaven thouſand pounds next yeare be Repealed & made void.

Whereas, William Irondall haveing long endeavoured by his Induſtry to procure a Subſiſtence & being Embarqued with ye p'duce of his Labour for *England*, was (After much p'ſonall Valour, ſhewed in reſiſtance & loſſe of his right Arme) taken in ye fight by the *Spanyards*, And being now returned & addreſſing himſelfe to this houſe for Relief, *They have out of Their Charity thought fitt* to Allowe in ye Publique Levy Annually one thouſand pounds of Tobacco & Exempcon from Leavys during Life.

Whereas Grace Powell hath complained y^t^ ſeverall of her huſband's creditors have contrary to ye intent of Aſſemblies Charity, who after ye Death of her huſband in ye Countries ſervice againſt the Indians gave her for her ſupport certaine Tobaccoes in ye Leavy of *Yorke & New Kent*, taken & deteined from her und'r p'tence of debts due from her huſband all ye ſaid Tobacco ſo charitably given, *It is ordered*, that ye Collectors of ye ſaid Tobacco Either deteining it or paying it without her order make repaym'nt of ye ſame with coſts.

Ordered that *Bridgett Hooker* in regard to her great age & the ſervice done by her huſband to ye Publique be annually allowed out of ye Publique Leavie one thouſand pounds of Tobacco.

The difference between M^r^ *Bennett* & M^r^ *Langſdale* touching certain troubles, Moleſtacons & damages ſuſteined by ye ſaid Maſter *Langſdale* by M^r^ *Bennett*'s means in ye time of his power, *It is ordered*, that ye Cauſe is Suſpended till ye Right Hon'ble S^r^ *Wm. Berkeley* ſhall ſignify his Majeſties further pleaſure, the coſts be not awarded before judgement be paſſed upon ye Iſſue.

Whereas George Hacke had formerly a Commiſſion of denizacon granted him in the year Sixteen hundred fifty-eight, And hath petitioned in behalfe of himſelfe, his Brother & Children y^t^ the ſame might be renewed to him & Conferred on Them. The Grand Aſſembly hath thought fitt to grant Confirmation thereof on his & their takeing ye oathes of Allegiance & Sup'macie.

Ordered, That in caſe *Burleigh*'s & *Stanton* Ship come in and there be any Surpluſage of ye two ſhillings after ye Debts of ye Countrey are ſatisfied, that ye ſaid Surpluſage ſhall be converted to ye purchaſing of ſome of the Countrey Tobacco debts now layd & Lightning ye Leavie.

[1] Theſe orders ſhould have been printed in the volume of the preſent ſet of the Journals of the Houſe of Burgeſſes iſſued immediately before this one, but were overlooked by the editor.

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GENERAL INDEX

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General Index

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